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**ACTS**  
**OF THE**  
**GENERAL ASSEMBLY**  
**OF THE**  
**COMMONWEALTH OF KENTUCKY,**

**PASSED AT THE**  
**REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS**  
**BEGUN AND HELD IN THE CITY OF FRANKFORT, ON**  
**MONDAY, THE THIRTIETH DAY OF DECEMBER,**  
**EIGHTEEN HUNDRED AND EIGHTY-NINE.**

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**VOLUME I.**

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***PROPERTY OF THE STATE OF KENTUCKY.***

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**FRANKFORT, KY.:**  
**CAPITAL OFFICE, E. POLK JOHNSON, PUBLIC PRINTER AND BINDER,**  
**1890.**



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PUBLIC ACTS  
OF THE  
STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE GENERAL  
ASSEMBLY, WHICH WAS BEGUN AND HELD IN  
THE CITY OF FRANKFORT, ON TUESDAY,  
THE THIRTIETH DAY OF DECEMBER,  
EIGHTEEN HUNDRED AND  
EIGHTY-NINE.

---

S. B. BUCKNER, *Governor.*  
JAS. W. BRYAN, *Lieut.-Gov., Speaker of Senate.*  
HARVEY MYERS, *Spkr. House of Representatives.*  
GEO. M. ADAMS, *Secretary of State.*  
P. W. HARDIN, *Attorney General.*

---

CHAPTER 4.

AN ACT to change and fix the time of holding the McCracken County  
Court of Claims.

*Be it enacted by the General Assembly of the Com-  
monwealth of Kentucky:*

§ 1. That the court of claims for McCracken county  
hereafter be held on the fourth Mondays in the Court of claims,  
terms of.

months of January, April, July and October in each year.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect from its passage.

HARVEY MYERS,  
*Speaker of the House of Representatives.*

JAMES W. BRYAN,  
*Speaker of the Senate.*

Approved January 8, 1890.

S. B. BUCKNER.

By the Governor:

GEO. M. ADAMS,  
*Secretary of State.*

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## CHAPTER 17.

AN ACT to amend chapter twenty-eight, article seventeen, section one of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Chapter 28, article 17, section 1 amended.

§ 1. That chapter twenty-eight, article seventeen, section one, be amended by adding the following words: "But the court of claims shall have no power to make an appropriation, or to create any debt exceeding the sum of fifty dollars at any one time, unless the same shall be voted for by a majority of all the justices in commission, and the yeas and nays thereon entered in the minutes."

Approved January 15, 1890.

## CHAPTER 18.

AN ACT to amend section fourteen, article five, chapter ninety-two,  
General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section fourteen, article five, chapter ninety-two of the General Statutes be, and the same is hereby, amended by adding after the words "chat-tel mortgage," where they occur the first time in said section, the words "or lease or conveyance of coal, oil, gas or other mineral rights or privileges." Chapter 92, arti-  
cle 5, section 14  
amended.

§ 2. This act shall take effect from its passage.

Approved January 15, 1890.

## CHAPTER 20.

AN ACT to repeal an act, entitled "An act to amend chapter sixty-six, article two, General Statutes, title 'Landlord and Tenant,' to apply to the counties of Daviess, Hancock and McLean, in so far as the same applies to the county of McLean."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to amend chapter sixty-six, article two, General Statutes, title 'Land-lord and Tenant,' to apply to the counties of Dav-  
eiss, Hancock and McLean," approved May six, one thousand eight hundred and eighty, be, and the same is, in so far as the same applies to the county of Mc-  
Lean, hereby repealed. Chapter 66, arti-  
cle 2 amended.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 15, 1890.

## CHAPTER 25.

AN ACT making it a misdemeanor to injure or damage in any way telephone lines in this Commonwealth, and to fix the penalty therefor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That whoever shall willfully break, cut, injure or damage in any way whatever, any telephone wire, post or the materials or property belonging to any telephone line in this Commonwealth, either public or private, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars for each offense, recoverable by warrant prosecuted before any judge, justice of the peace, or other court or tribunal having jurisdiction thereof in the county where the offense was committed.

Damage to telephone lines.

Misdemeanor.

§ 2. This act shall take effect from its passage.

Approved January 17, 1890.

## CHAPTER 35.

AN ACT to repeal section eleven of an act, entitled "An act to establish the county of Carlisle," approved April three, one thousand eight hundred and eighty-six.

WHEREAS, Each and every county in the State of Kentucky, except the county of Carlisle, is supplied with record books and law libraries at the expense of this Commonwealth, the said exception being unfair to the tax-payers of said county; now, in order to place the people of said county on an equal footing with the people of all other counties of the State,

Preamble.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section eleven (11) of an act, entitled "An act to establish the county of Carlisle," approved

Section 11 repealed.



April three, one thousand eight hundred and eighty-six, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved January 18, 1890.

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## CHAPTER 44.

AN ACT to fix the time of holding the quarterly courts in Whitley county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county judge of Whitley county shall hold the quarterly court in said county on the first Monday in each month, except the months that circuit court convenes in said county. Terms of.

§ 2. That this act shall take effect from and after its passage.

Approved January 22, 1890.

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## CHAPTER 66.

AN ACT to amend subsection one of section four, article twelve, chapter thirty-eight of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That subsection one of section four, article twelve, chapter thirty-eight of the General Statutes of Kentucky, be, and the same is hereby, amended by adding thereto the following words: "Which receipt shall be recorded by the clerk with the execution." Chapter 38 amended.

§ 2. This act shall take effect from and after its passage.

Approved January 25, 1890.

## CHAPTER 83.

AN ACT to amend section three of chapter ninety-seven of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Chapter 97, section 3 amended.

§ 1. That section three, of chapter ninety-seven, of the General Statutes be amended by adding at the end thereof the words "But the seal of the Commonwealth may also be used by the Secretary of State to attest any certificate by either himself or the Governor, in cases where it may be shown to him that such attestation by said seal is required to entitle such certificate or any facts or documents thereby certified, to be admitted to record, or used as evidence or otherwise, in any other State or country: *Provided*, The use of the seal of the Commonwealth shall not dispense with the necessity for the use of the seal of the Secretary of State, or deprive the Assistant Secretary of State of the right to demand and receive the present fee or tax for such use.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved January 28, 1890.

## CHAPTER 98.

AN ACT to fix the salary of the State Treasurer.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Treasurer, salary of.

§ 1. That the State Treasurer shall hereafter receive an annual salary as such Treasurer of three thousand dollars, payable monthly out of the State Treasury.

§ 2. This act shall take effect from its passage.

Approved January 31, 1890.

CHAPTER 101.

AN ACT to declare navigable Big Laurel creek, in Johnson and Lawrence counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Big Laurel creek, in Johnson and Lawrence counties, a tributary of Big Blaine, be, and the same is hereby, declared navigable for the purpose of floating staves and saw-logs down said stream.

§ 2. This act shall take effect from its passage.

Approved January 31, 1890.

CHAPTER 119.

AN ACT to change the time of holding the criminal court in the counties of Pike, Floyd, Johnson and Lawrence, in the Sixteenth Judicial District.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That hereafter the criminal court for Pike Terms of. county shall begin on the first Monday in March and September, and continue twelve juridical days if the business require it. That the Floyd court shall begin on the third Monday in March and September, and continue eighteen juridical days if the business require it, and that the Johnson criminal court shall begin on the Monday after the Floyd court, and continue six juridical days if the business require it. And the Lawrence criminal court shall begin on the first Monday in January and July (provided those days do not come on the first day of January or the fourth day of July, if they do, then to begin the next day thereafter), and continue twenty-four juridical days if the business shall require.

§ 2. That all acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved February 5, 1890.

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## CHAPTER 128.

AN ACT to amend section nine, article eight, chapter one thousand five hundred and thirty-four, common school law of this Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Chapter 1534  
amended.

§ 1. That section nine, article eight, chapter one thousand five hundred and thirty-four, be amended by striking out the following words, namely: "The trustees shall not permit any person to teach any private or other school in any district school-house, unless the said person shall first have obtained a certificate to teach from the county board of examiners," and insert in lieu thereof the following, namely: "No person shall be allowed to teach a private or other school in any district school-house, unless he be of a good moral character, and have the consent of not less than two of the trustees of the district in which said school is to be taught."

§ 2. This act shall take effect from and after its passage.

Approved February 5, 1890.

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## CHAPTER 141.

AN ACT to declare navigable the Middle Fork of Rockcastle creek, in Martin county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Middle Fork of Rockcastle creek, in Martin county, be, and the same is hereby, declared

navigable for the purpose of floating timber and staves from the mouth of said fork to the mouth of the Scuffle Lick Fork.

§ 2. This act shall take effect from its passage.

Approved February 12, 1890.

## CHAPTER 148.

AN ACT to authorize the Secretary of State to furnish certain offices in the county of Leslie with Reports of the Court of Appeals and Acts of the General Assembly.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Secretary of State be, and is hereby, directed to furnish the office of the circuit court clerk, the office of the county court clerk, and the office of the county judge of the county of Leslie, a full set of Reports of the Court of Appeals and Session Acts of the General Assembly, for the use of the various courts of said county: *Provided, however*, Said Secretary will not furnish to said offices of said county any of said Reports or Session Acts of the General Assembly, which have been issued and published since the year one thousand eight hundred and eighty: *And provided further*, Said Secretary will not furnish to said offices of said county any of the Acts of the General Assembly prior to one thousand eight hundred and eighty, unless there may now be on hand surplus copies of said Acts for distribution: *And it is further provided*, That said Secretary will not furnish to said offices of said county any of the Reports of the Court of Appeals issued prior to one thousand eight hundred and eighty, where the cost of any single volume of said reports may exceed five dollars per volume.

Leslie county-  
reports to be  
furnished.

§ 2. The Secretary of State will certify to the Auditor the number of copies of Reports so furnished

and the cost price of each volume, and the Auditor is authorized and directed to draw his warrant upon the Treasurer for the amount so certified, to pay for said reports.

§ 3. This act to take effect from and after its passage.

Approved February 12, 1890.

---

### CHAPTER 153.

AN ACT to declare Coffee's Creek, Williams' Fork and Middle Fork of the Elk Fork navigable.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Williams' Fork of Elk Fork, in Morgan county, be, and the same is hereby, declared navigable from W. W. Williams' old mill place to Riley Adkins' mill, and including Coffee's creek up to the splash dam at Wallace Hamilton's.

§ 2. That the Middle Fork of Elk Fork be, and the same is hereby, declared navigable up to Henry Holbrook's mill.

§ 3. That this act take effect from and after its passage.

Approved February 12, 1890.

---

### CHAPTER 156.

AN ACT to declare Caney Fork of Middle Creek a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Caney Fork of Middle Creek, in Floyd county, be, and the same is hereby, declared a navigable stream for the purpose of floating saw-logs and staves.

§ 2. This act shall take effect from its passage.

Approved February 12, 1890.

CHAPTER 157.

AN ACT to declare Sawder's creek, in Floyd county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Sawder's creek, in Floyd county, a tributary of John's creek, be, and the same is hereby, declared a navigable stream to the upper forks of the same.

§ 2. This act shall take effect from its passage.

Approved February 12, 1890.

CHAPTER 171.

AN ACT to prohibit any person in this Commonwealth from giving, selling or bartering cigarettes or cigarette material to any child under eighteen years of age, or to others for their use, or to induce such children to use same, and providing penalties for the violation thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful for any person or persons in this Commonwealth to give, sell or barter, either directly or indirectly, a cigarette or cigarettes, or cigarette material to any child under eighteen years of age, or to give, sell or barter the same to any person whomsoever with the knowledge that the same is to be given or sold or bartered to any such child or children, or to persuade, advise, counsel or compel any child under said age to smoke the same.

Cigarettes, sale to infants forbidden.

§ 2. Any person who violates the provisions of the aforesaid section shall be guilty of a misdemeanor, and, upon conviction therefor, shall be fined not less than five nor more than twenty-five dollars, or imprisoned in the county jail not exceeding thirty days, or both so fined and imprisoned.

§ 3. This act shall take effect from and after its passage.

Approved February 14, 1890.

## CHAPTER 172.

AN ACT to amend section two, article seventeen, chapter twenty-nine of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section two, article seventeen, chapter twenty-nine of the General Statutes, be, and the same is hereby, amended by adding thereto the following sub-sections :

Deadly weapon. 1. If any person shall draw a deadly weapon upon another, or shall point any deadly weapon at another, he shall be deemed guilty of an assault upon such person, whether said weapon shall be loaded or unloaded, and upon conviction shall be punished as persons guilty of assault are now punished by the laws of this State.

Shooting at from ambush. 2. If any person shall, from ambush or any concealment or hiding place, shoot at any person without inflicting a wound upon such person, he shall be deemed guilty of a felony, and upon conviction shall be confined in the penitentiary not less than one nor more than ten years.

§ 2. This act to take effect from its passage.

Approved February 14, 1890.

## CHAPTER 188.

AN ACT to authorize the Commissioners of the Sinking Fund to make improvements in the Penitentiary at Frankfort.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Repairing dining room in penitentiary. § 1. That the Commissioners of the Sinking Fund as *ex officio* Directors of the Penitentiary be, and they are hereby, authorized and directed to enlarge the present dining-room of the prison, build and



equip with necessary apparatus a suitable kitchen attached thereto, and convert the present chapel into a suitable room for a hospital, and refit the present hospital for a chapel, reading-room and night school room for the use of the prisoners. They will advertise for bids, subject to plans and specifications submitted by an architect, and are authorized to contract with the lowest and best bidders for the buildings, changes, construction and repairs herein authorized: *Provided, however*, That the total expenditures for these purposes shall not exceed the sum of twelve thousand dollars.

§ 2. This act to take effect and be in force from and after its passage.

Approved February 18, 1890.

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## CHAPTER 191.

AN ACT to establish a criminal court in Marion county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established a court of justice in and for Marion county, in this Commonwealth, to be known and styled as the Marion Criminal Court, to be held by a judge who shall have the same qualifications as a circuit judge, and who shall receive five hundred dollars per annum for his services, to be paid him out of the State Treasury in like manner as circuit judges are paid. He shall in all criminal and penal cases have and exercise the same powers as a circuit judge and in such other cases as may be brought therein or hereinafter provided. He shall have the same powers and jurisdiction in *habeas corpus* cases as a circuit judge, and shall be commissioned and sworn as circuit judges are, and be liable to the same penalties and subject to impeachment and removal for the same causes, and in the

Criminal court in  
Marion county.

same manner as circuit judges are under existing laws, except that he shall be permitted to practice law in civil cases. Said court shall be a court of record and have a seal.

Election.

§ 2. A judge of said court shall be elected by the qualified voters of Marion county on the first Monday in August, one thousand eight hundred and ninety, and shall hold his office until the regular election on the first Monday in August, one thousand eight hundred and ninety-four, when his successor in office shall, by said voters, be elected to serve four years, and so on at an election every fourth year a judge shall be elected to serve the ensuing four years, and until his successor is elected and qualified, and vacancies in said office shall be filled in the same manner and for the same term as is now provided by law for filling vacancies in the office of circuit judge: *Provided, however,* The Governor shall appoint and commission a judge of said court until one is elected and qualified under the provisions of this act.

Sheriff and clerk,  
duties of.

§ 3. The sheriff and other ministerial officers of said county shall perform all the duties in prosecutions and proceedings in said court required of them in similar prosecutions and proceedings in the circuit courts, and shall have same fees as for similar services in circuit courts. The circuit court clerk of Marion county shall, by virtue of his office, be clerk of the criminal court hereby established, and he shall have the same fees as for similar services in the circuit court, and shall be responsible on his official bond as such for the faithful discharge of his duties. Said clerk shall immediately after the passage of this act, without additional fees, transfer from the docket of the Marion Circuit Court to the docket of the criminal court hereby established, all criminal and penal cases to be disposed of in the court established by this act.

Jurisdiction.

§ 4. The court established by this act shall have jurisdiction, exclusive of the Marion Circuit Court, of all

criminal and penal cases, felonies and misdemeanors and proceedings on forfeited recognizances which the circuit court of Marion county now has, or which may be conferred on said court, and said court hereby established shall have concurrent jurisdiction with the Marion Circuit Court in inquests of idiocy and lunacy, and exclusive of the said circuit court in allowing claims on the treasury now allowed by said circuit court.

§ 5. The regular terms of the court established by <sup>Terms.</sup> this act, shall be held as follows, namely: The fourth Monday in January and continuing twelve juridical days, and the third Monday in July and continuing eighteen juridical days.

§ 6. The judge of said court may extend the July term of said court if the business so requires it, and may call special terms of his court as circuit judges under existing laws. Appeals may be prosecuted to <sup>Appeals.</sup> the Superior Court and Court of Appeals from the judgments and final orders of the court established by this act, in like manner and under like restrictions as appeals from the circuit courts are taken and prosecuted.

§ 7. The Commonwealth's attorney for the Marion <sup>Commonwealth.</sup> Circuit Court shall attend each term of said Marion <sup>Attorney.</sup> Criminal Court, and represent the Commonwealth, and discharge all the duties and be entitled to the same compensation as now provided by law in circuit courts.

§ 8. The list of persons selected to be summoned as <sup>Jurors.</sup> grand jurors for the March term, one thousand eight hundred and ninety, of the Marion Circuit Court shall be summoned as grand jurors for the July term, one thousand eight hundred and ninety, of the court herein provided for, and no grand jury shall be summoned for said circuit court. The Marion Circuit Court, at its said March term, one thousand eight hundred and ninety, cause petit jurors to be selected for the said court hereby established, and thereafter grand

and petit jurors shall be selected and summoned by and for said Marion Criminal Court in the same manner as now provided by law for circuit courts, and they shall perform the same services and receive the same pay as jurors in the circuit court. All bail bonds and recognizances heretofore taken, conditioned for the appearance of parties or witnesses in criminal or penal cases at the next March term of the Marion Circuit Court, shall be for the appearance of such parties as witnesses to the first term of the court herein established, and all bail bonds and recognizances hereafter taken by magistrates and examining courts in Marion county returnable to the Marion Criminal Court herein established after this act takes effect.

§ 9. Special judges for said criminal court may be selected for the same causes and in the same manner, and shall possess the same qualifications as special judges of the circuit court, and the provisions of the law in relation to record books, presses, seals and other expenses in the circuit court shall apply to the court established by this act.

§ 10. All reports and returns required to be made to the circuit court in said county by the circuit court clerks, county court clerks, county court judges, justices of the peace, sheriffs, marshals, constables, trustees of the jury fund, and all civil officers and other persons having in their hands fines or forfeitures belonging to the jury fund shall be made exclusively to the court established by this act.

§ 11. Nothing in this act shall be so construed as to take from the circuit court the power to make provisions for the payment of jurors in the circuit court, and officers of said circuit court, and allowances for the support of lunatics and idiots.

§ 12. The law in relation to the compensation of a special judge in the circuit court shall apply to special judges of the criminal court established by this act.

§ 13. No grand jury shall be summoned in the Grand jurors. circuit court of Marion county, but said court shall have petit jurors only.

§ 14. If from any cause the attorney for the Commonwealth for the Marion Circuit Court shall fail to attend any of the courts established by this act, it shall and may be lawful for the judge presiding in said criminal court at such term to appoint some member of the bar attorney for the Commonwealth *pro tem.*, who shall receive the same fees that the Pro tem. Commonwealth attorney. regular attorney for the Commonwealth shall receive, payable to him in the same way and manner.

§ 15. This act shall take effect from and after its passage.

Approved February 18, 1890.

## CHAPTER 192.

AN ACT to change the time for the examination of candidates for County Superintendent.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section four of article seven of the com- Common school law amended. mon school law be amended by striking out the words "the last Saturday in June," in the sixteenth line of said article, and insert in the place thereof the words "the first Saturday in May."

§ 2. This act to take effect from and after its passage.

Approved February 18, 1890.

## CHAPTER 194.

AN ACT regulating and defining the terms of justices' courts in Paducah, McCracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Terms of.

§ 1. That on and after the first day of February, 1890, the civil courts of justices of the peace for and in the city of Paducah, McCracken county, shall be continuous—that is, from day to day, except the Sabbath day, and that all actions brought in such courts shall stand for trial after five days' service of process on sums of fifty dollars and under, and ten days' service of process on sums of over fifty dollars, both exclusive of interest.

§ 2. This act to be in full force and effect from and after the first day of February, one thousand eight hundred and ninety, and all acts or parts of acts in conflict herewith are hereby repealed.

Approved February 18, 1890.

## CHAPTER 208.

AN ACT to repeal section nine of an act, approved March twenty, one thousand eight hundred and seventy-six, entitled "An act to regulate the civil jurisdiction of justices of the peace, police judges and quarterly courts and appellate jurisdiction of circuit courts from judgments, and to authorize quarterly courts to appoint clerks," in so far as said section nine applies to Union county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section nine of an act, approved March twenty, one thousand eight hundred and seventy-six, 1876, entitled "An act to regulate the civil jurisdiction of justices of the peace, police judges and quarterly courts and appellate jurisdiction of circuit

courts from judgments, and to authorize quarterly courts to appoint clerks," is hereby repealed, in so far as said section applies to the county of Union.

§ 2. This act to take effect from and after its passage.

Approved February 20, 1890.

## CHAPTER 212.

AN ACT to provide for completion and furnishing of the Kentucky Institution for the Education and Training of Feeble-minded Children.

WHEREAS, One of the charitable institutions of this State, known as the Kentucky Institution for the Education and Training of Feeble-minded Children, at Frankfort, Kentucky, was unfortunately destroyed by fire on the third day of May, one thousand eight hundred and eighty-nine; and the Commissioners of said institution, under the authority and duty vested in and imposed upon them by law, have caused said building to be reconstructed, and in so doing have properly expended the insurance fund collected for the loss by fire (which fund amounted in all to twenty-seven thousand nine hundred and thirty-two dollars and seventeen cents); and whereas, the completion of said building will necessarily require the sum of nine thousand five hundred and fifty-six dollars and forty-seven cents, in addition to said insurance money, and the necessary furniture, heating apparatus and gas fixtures will require the further sum of ten thousand five hundred dollars; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sum of nine thousand five hundred and fifty-six dollars and forty-seven cents be, and the same is hereby, appropriated for the completion of the building of the Kentucky Institution for the Edu-

cation and Training of Feeble-minded Children, and the further sum of ten thousand five hundred dollars is hereby appropriated for the necessary furniture, heating apparatus and gas fixtures in said institution; and the Auditor is hereby authorized and directed to draw his warrant on the Treasurer for the above-named sums, payable to the Commissioners of the said institution, from time to time, in such sums as may be required by them: *Provided, however,* That they shall file with the Auditor an itemized statement showing the purpose for which each installment drawn by them is to be applied, together with proper vouchers therefor.

§ 2. This act to take effect and be in force from its passage.

Approved February 21, 1890.

## CHAPTER 217.

AN ACT to adopt the Civil and Criminal Codes of Practice of Kentucky, edited by John D. Carroll.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Carroll's Codes  
adopted. § 1. That the Civil and Criminal Codes of Practice of Kentucky, edited by John D. Carroll, embracing sections one to eight hundred and thirty-nine inclusive, of the Civil Code, including the amendments to said sections, or any of them, and sections one to four hundred and fifty inclusive, of the Criminal Code, including amendments to said sections, or any of them, shall constitute, be known and designated as "The Civil and Criminal Codes of Practice of Kentucky," and as such are adopted as the laws of the land: *Provided,* That this act shall be limited in its operations and effect to the purposes expressly designated in this section: *And provided further,*



That nothing in this act shall be construed to repeal any act heretofore adopting any other Code.

§ 2. This act shall take effect from and after its passage.

Approved February 21, 1890.

## CHAPTER 242.

AN ACT to amend section five of an act to prescribe the mode of condemning land for the use of railroad and turnpike companies, approved April eleven, one thousand eight hundred and eighty-two.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section five of an act, entitled "An act to prescribe the mode of condemning land for the use of railroad and turnpike companies," approved April eleven, one thousand eight hundred and eighty-two, be, and the same is amended, by adding thereto and at the close thereof, the following: "Each juror composing said jury shall be allowed one dollar per day for his services, to be taxed as other costs." Section 5 of Act of 1882 amended.

§ 2. This act shall take effect from and after its passage.

Approved February 25, 1890.

## CHAPTER 260.

AN ACT to amend an act, entitled "An act to establish an Insurance Bureau," approved March ten, one thousand eight hundred and seventy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section nineteen of "An act to establish an Insurance Bureau," approved March ten, one thousand eight hundred and seventy, be amended, by adding thereto the following: "And for license to Insurance Bureau.

each agent or solicitor for industrial life insurance and certificate of seal of office, for each, two dollars. Said licenses not transferable."

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1890.

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## CHAPTER 261.

AN ACT to amend an act, entitled "An act to establish and endow Academies," approved December twenty-two, one thousand seven hundred and ninety-eight, and the various acts amendatory thereto.

WHEREAS, The General Assembly of the Commonwealth of Kentucky, by said act approved December twenty-second, one thousand seven hundred and ninety-eight, granted six thousand acres of land to endow Bracken Academy, at Augusta, Kentucky, and under and by authority of amendments to said act, sold said land and invested the proceeds in a lot and building in Augusta, Kentucky; and, whereas, the said academy is practically abandoned; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That said act and the amendments thereto, so far as they apply to Bracken Academy, be, and the same is hereby, repealed.

§ 2. That the funds, land and buildings, and all personal property belonging to and held by the trustees of the Bracken Academy be invested in the trustees of the common school district number two, in Bracken county, Kentucky, to be held and used by them for common school purposes.

§ 3. That this act shall take effect from and after its passage.

Approved February 27, 1890.

## CHAPTER 289.

AN ACT to amend an act, entitled "An act for the incorporation and regulation of life insurance companies," approved March twelve, one thousand eight hundred and seventy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section thirty-seven of an act, entitled <sup>Insurance Com-</sup>  
"An act for the incorporation and regulation of life panies.  
insurance companies," approved March twelve, one thousand eight hundred and seventy, be so amended as to read as follows: Every life insurance company not organized under the law of this State, before transacting any business in this State, if it has not already done so, shall return to the Auditor a copy of its charter, articles of association, or deed of settlement, by whatever name its organic law may be called, and the Auditor shall, upon receiving a certificate from the Insurance Commissioner that such company has fully complied with the laws of this State, and is possessed of the legal reserve, furnish to such agents as the company directs a license to transact business as agent for said company under the seal of the Bureau of Insurance.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1890.

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CHAPTER 293.

AN ACT for the benefit of the married women in this Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. Section one of an act approved April eleventh, one thousand eight hundred and seventy-three,

which act was entitled "An act for the benefit of the married women of this Commonwealth," be amended as follows: That the words "are allowed to pay such wages and compensation directly to such married women," in the fourth line of said section be, and are hereby, stricken out, and in lieu thereof the words, "shall pay such wages and compensation to such married women only, unless otherwise directed by the written order of such married women."

§ 2. All acts in conflict with this act are repealed.

§ 3. This act to take effect from its passage.

Approved March 5, 1890.

## CHAPTER 304.

AN ACT to amend an act, entitled "An act to provide a security for manufacturers and vendors of railroad equipment and rolling stock in making conditional sales thereof."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1 amend-  
ed. § 1. That an act, entitled "An act to provide a security for manufacturers and vendors of railroad equipment and rolling stock in making conditional sales thereof," approved March seventeenth, one thousand eight hundred and eighty-two, be, and is hereby, amended by striking out of the first proviso of section 1 of said act the word "ten," and inserting in lieu thereof the word "twenty-five."

Section 3 amend-  
ed. § 2. That the third section of said recited act be, and is hereby, amended by striking out of said section the third, fourth, fifth and sixth lines, after the word "Commonwealth."

Section 4 amend-  
ed. § 3. That the fourth section of said recited act is hereby amended by striking out the words "by the clerk, or," in the eighth line; the words "as the case may be, or," in the ninth line; the words "clerk, or," in the eleventh line.

§ 4. That any contract or contracts made by any parties for the leasing or renting of railroad equipment or rolling stock authorized by the second section of said recited act, limiting the term of credit to ten years, as provided in said first proviso of section 1 of said recited act, are legalized, and the parties thereto are hereby authorized to modify, change or renew the same so as to extend the time of credit to twenty-five years from the original date of the same, or from the date of modification, change or renewal thereof, upon such plan or in such manner as they may select not inconsistent with the laws of this Commonwealth.

Additional section.

§ 5. This act shall take effect from and after its passage.

Approved March 7, 1890.

## CHAPTER 305.

AN ACT to amend an act, entitled "An act to prevent extortion and discrimination in the transportation of freight and passengers by railroad corporations, and in aid of that purpose to establish a Board of Railroad Commissioners, and define its powers and duties."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the above styled act be amended by striking out the word "willfully," in the first line of the first section thereof.

Section 1 amended.

§ 2. That section two of said act be, and is hereby, repealed, and the following substituted therefor: That if any corporation engaged in operating a railroad in this State shall, directly or indirectly, by any special rate, rebate, drawback or other device, charge, demand, collect or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property subject to the provisions of this act, than it charges, demands, collects or receives from any other

Section 2 repealed.

Forbids unjust  
discrimination.

person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic, under substantially similar circumstances and conditions, such corporations shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

Forbids giving  
undue advantages.

§ 3. That it shall be unlawful for any such corporation to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic in any respect whatsoever in the transportation of a like kind of traffic, under substantially similar circumstances and conditions, or to subject any particular person, company, firm, corporation or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage. When one or more car loads of freight shall be transported at the same time for different persons, and for each shipper a car load or more, such shipment shall be considered and taken as the same quantity of freight within the meaning of this act; and when less than a car load of freight, and over five thousand pounds, are transported at the same time for different shippers, and for each shipper over five thousand pounds, such shipments shall be considered and taken as the same quantity of freight; and when over five hundred pounds and less than five thousand pounds are transported at the same time for different shippers, and for each shipper said quantity of freight, such shipments shall be considered and taken as the same quantity of freight.

Defines a car  
load.

Proper facilities  
to be afforded.

§ 4. That all such corporations subject to the provisions of this act shall, according to their respective powers, afford all reasonable, proper and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding and delivering of passengers and property to and from their several lines, and those connecting therewith; and shall not unjustly discriminate in their rates and

charges between such connecting lines, but this shall Connecting lines. not be construed as requiring any such corporation to give the use of its tracks or terminal facilities to another corporation in like business, nor as requiring any such corporation to form through routes or through rates with any other corporation.

§ 5. That section four be amended by striking therefrom the words "three times," and adding thereto the words: "All prosecutions and actions against Limitation of prosecutions. railroad corporations under the provisions of this act shall be commenced within one year after the offense shall have been committed, or the cause of action shall have accrued;" and that said section four be further amended by adding next after the word "court," in the last line thereof, the words: "*Provided*, That indictments under this section shall be made only upon recommendation or request filed by the Board of Railroad Commissioners in the court having jurisdiction of the offenses named herein."

§ 6. That section eight of said act be amended by repealing all after the word "State" in the fourth line thereof, and substituting therefor the following: The commissioners are authorized to draw on the Auditor for a sum not exceeding two thousand dollars per annum, out of any funds not otherwise ap- \$2,000 appropriated for clerk hire, etc. propriated, to be used by them in paying clerk hire and other actual contingent expenses of the commission. The office of said commissioners shall be kept in Frankfort, and constantly open during business hours. That the commissioners shall, in the vouchers by which the two thousand dollars appropriated in this bill is expended, set forth the items of expense for which the voucher or vouchers are given.

§ 7. That said commissioners shall meet at their office on the first Monday in October in each year When commissioners shall meet as a Board of Equalization. (two constituting a quorum), to discharge their duties as a "Board of Equalization," instead of meeting on the first of September as now provided by law.

§ 8. That section nineteen of said act be, and the

Duties of commissioners.

Duty of court.

same is hereby, repealed, and the following substituted therefor: Said Commissioners shall hear and determine complaints under the second, third and fourth sections of this act, under the first section of the act hereby amended, and the civil actions provided for in section four of said act. Such complaints shall be made in writing, and they shall give the company complained of, not less than ten days' notice of the time and place of hearing the same. They shall hear the evidence adduced by the parties, and render award as authorized by this act. If the award of the Commissioners be not satisfied within ten days after the same is rendered, the Chairman shall file a copy of said award in the office of the clerk of the circuit court of the county which, under the Code of Practice, would have jurisdiction of said controversy; and the clerk of said court shall enter the same on the motion docket for trial, and summons shall be issued to the party against whom the award shall have been rendered, requiring said party to appear before the judge of said court within twenty days, and show cause why the said award shall not be satisfied. If the matter in controversy shall exceed twenty dollars, said judge, or the court, if in regular term, on demand of either party, shall impanel a jury to try the same. If it does not exceed that sum, or a jury be not demanded, the court or judge shall hear and determine the same without the intervention of a jury. The court or judge may grant delay or continuance to either party upon grounds which may seem just and reasonable. If the court or judge shall be of the opinion, or the jury shall find that the award of the said commissioners is just, judgment shall be so entered, and execution shall issue thereon as on other judgments; otherwise, the party against whom the award shall have been rendered shall be dismissed, and the costs of said proceeding shall be taxed against the complainant in the action. The findings of fact by the commissioners



shall accompany the award, and such findings and award shall thereafter, in all judicial proceedings, be <sup>Findings of fact by commission-</sup> *prima facie* evidences as to all matters included therein

§ 9. All laws and parts of laws inconsistent with this act are hereby repealed.

§ 10. This act shall take effect from and after its passage.

Approved March 7, 1890.

### CHAPTER 310.

AN ACT to declare Brush creek, in Floyd county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Brush creek, in Floyd county, a tributary of Beaver creek, be, and the same is hereby, declared a navigable stream.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor March 6, 1890.]

### CHAPTER 317.

AN ACT to amend article four, chapter ninety-two of the General Statutes, entitled "Revenue and Taxation."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That article four, chapter ninety-two of the General Statutes, entitled "Revenue and Taxation," be amended by adding thereto the following sections:

"§ 10. That in addition to the specific property of all corporations in this State which is now the subject of taxation under existing laws, the value of the franchise of the corporation shall be taxable, and such value shall be ascertained by the assessor of the <sup>Franchises of corporations' subject to taxation.</sup>

Proviso.

county where said corporation shall have its chief place of business, and placed upon his books under the heading now indicated therein: *Provided, however,* That nothing herein shall be construed as applying to railroads whose lines are in existence or in course of construction at the date of said assessment, and which pay tax under the provisions of the law to which this is an amendment, nor to banks or other institutions of loan or discount, nor to the turnpike roads of this Commonwealth."

Assessor's duties.

"§ 11. In order to enable the assessor to arrive at the true value of said franchise, he may examine the officers of such corporation under oath, or such other witnesses as he may deem necessary, and in fixing the value thereof shall consider the net earnings of the corporation, its dividends and the market value of its stock, which, taken with the proof he may have before him, shall constitute the basis of his valuation."

§ 2. This act to take effect and be in force from and after its passage.

Approved March 11, 1890.

## CHAPTER 336.

AN ACT to declare Horse Fork creek a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Horse Fork creek, from its mouth to the Leitchfield road, be, and the same is hereby, declared a navigable stream.

Offense.

§ 2. Any person or persons obstructing said water-course by falling timber, placing brush, briars, weeds or other rubbish in same, shall be considered guilty of a misdemeanor, and shall be proceeded against by any court having jurisdiction, and fined not less than ten nor more than fifty dollars in each case and for each

Penalty.

offense, and in addition to such fine shall be liable in damages to any one injured or damaged thereby to the full extent of such injury or damage, recoverable in any court having jurisdiction in the county.

§ 3. This act shall take effect from its passage.

Approved March 18, 1890.

## CHAPTER 337.

AN ACT to amend an act, entitled "An act to amend article one, chapter fifty-five of the General Statutes, title 'Division Fences,'" approved May seventeen, one thousand eight hundred and eighty-six.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. Amend section two of this act by striking out the word "ten," in the second line, and insert in lieu thereof the word "two." Section 2 amended.

§ 2. Amend section six of this act by adding thereto the following: And upon failure of said company to build its half of said fence when notified to do so as herein provided, then, in that event, in addition to recovering by judgment, the cost of one-half of said fence, said land owner shall be entitled to recovery in addition thereto twenty per cent. in the way of damages on the one-half of the cost of said fence, and a reasonable attorney's fee, to be taxed as costs and paid by the railroad. Damages recoverable.

§ 3. Amend section eight by adding the following: Cattle guards. Any railroad company failing to erect cattle guards at any terminal point, or at any public or private crossing as herein provided, after having received written notice so to do by the owner of the land at any terminal point or public or private crossing, shall be deemed guilty of a misdemeanor, and, upon conviction, may be fined in any sum not less than ten dollars nor more than twenty dollars for each failing or refusing to erect said cattle guards: *Provided, how-* Offense and penalty. *Provided.*

*ever*, Said railroad company shall not be liable to any fine until the written notice shall have been given at least sixty days prior thereto.

When fencing  
is to be built.

§ 4. Amend section twelve of said act by inserting after the word "company," at the end of the fifth line, being the end of the first sentence of said sentence, the following: And said fencing shall be built within four months after the first train of cars is run over said road: *Provided*, It is demanded by the land owner. If said company shall fail or refuse to build said fence within sixty days after service as provided herein, said company shall be deemed guilty of a misdemeanor, and for each day it shall so offend may, upon indictment, be fined not less than ten nor more than fifty dollars for each day it shall so offend.

Penalty.

§ 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed. Contracts made prior to the passage of this act shall not be affected by this act.

§ 6. This act shall take effect from and after its passage.

Approved March 13, 1890.

## CHAPTER 345.

AN ACT to declare Rock Lick creek, in Breckinridge county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Unlawful to ob-  
struct.

§ 1. That Rock Lick creek, in Breckinridge county, is hereby declared a navigable stream, from its mouth to the mouth of Harris' Fork, to the extent that it shall be unlawful for any person or corporation to obstruct said stream by the felling of timber therein, or by the casting therein of any other material which will prevent or interfere with the floating of saw-logs or other timbers down same.

§ 2. That any person or corporation violating the <sup>Penalty.</sup> provisions of this act shall be fined not less than twenty dollars nor more than one hundred dollars for each offense.

§ 3. That this act shall take effect from and after its passage.

Approved March 14, 1890.

## CHAPTER 351.

AN ACT to amend section four, article six of chapter ninety-two of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section four of article six of chapter ninety-two of the General Statutes be amended by adding thereto the following language: "It shall be <sup>Duty of assessor.</sup> the duty of said assessor to ask the head of each family he assesses whether he or she has a family Bible, and if answered in the negative he shall record the answer thereto on some convenient place in his book opposite said name.

§ 2. This amendment shall apply only to Logan <sup>Applies to Logan county only.</sup> county, and be in force from its passage.

Approved March 15, 1890.

## CHAPTER 360.

AN ACT to secure the attendance of witnesses before the joint committee appointed to investigate lotteries conducted in this State and prescribing punishments against witnesses for certain offenses.

WHEREAS, This General Assembly, with a view of <sup>Preamble.</sup> enacting such laws as might suppress lotteries conducted in this State, passed a joint resolution, which was approved by the Governor on the twenty-eighth

day of January, one thousand eight hundred and ninety, providing for the appointment of a joint committee by the presiding officers of the respective branches of the General Assembly to investigate the lotteries conducted and operated in this State; and whereas, said committee was duly appointed by said presiding officers, with power and authority under said joint resolution to send for persons and papers, to subpoena witnesses, to compel their attendance, and require them to testify under oath; and whereas, certain witnesses concerned in said lotteries and certain other witnesses having knowledge and information concerning same, have refused to testify before said committee and to give such facts as are within their knowledge in reference in said lotteries; now, therefore, in order to facilitate said investigation, and to obtain such information as may be necessary to legislate intelligently in regard to said lotteries, to punish witnesses who may refuse to obey a subpoena or a *subpoena duces tecum*, to punish witnesses who refuse to testify when before said committee, or to give such information as is within their knowledge in relation thereto, to punish witnesses who attempt to evade the service of a subpoena, and to punish witnesses who swear falsely before said committee, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Authority of  
chairman.

§ 1. That the first named Senator, appointed by the Speaker of the Senate, in pursuance of said joint resolution, approved on the twenty-eighth day of January, one thousand eight hundred and ninety, shall be chairman of said joint committee, and is hereby fully authorized and empowered to issue subpoenas and *subpoenas duces tecum* for witnesses to appear and testify before said committee, and said subpoenas may be executed by the Sergeants-at-Arms of the Senate or the House of Representatives, or by a sheriff, constable or other peace officer; and said

Other officers

chairman is hereby authorized and empowered to administer an oath to any witness called to testify before said committee.

§ 2. That any person called as a witness to testify before said committee in regard to any lottery conducted or operated in this State is a competent witness, although said witness may be concerned as agent, employe or owner in operating or conducting said lottery, and shall be compelled to testify touching such knowledge or information as he may have in regard thereto, but such evidence shall not be used against said witness in any prosecution against him, except for false swearing; and it shall be no exemption for such witness that his testimony may criminate himself, for he shall not be liable to trial or punishment for any matter about which he may testify. Competent witness.

§ 3. Any person willfully failing to appear before said committee, in obedience to a subpoena or a *subpoena duces tecum*, duly executed upon him as provided herein, shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than five hundred dollars nor more than one thousand dollars, and imprisoned in the county jail not less than six nor more than twelve months, upon an indictment in the county where said subpoena was served upon him. Penalty for refusing to appear.

§ 4. Any person called as a witness before said committee who shall refuse to testify or give such information as he may have in regard to any lottery conducted or operated in this State shall be guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than five hundred dollars nor more than one thousand dollars, and imprisoned in the county jail not less than six nor more than twelve months, upon indictment in the county in which he refuses to testify. For refusing to testify.

§ 5. Any person who shall willfully and knowingly swear or depose or give in evidence before said com- For false swearing.

mittee that which is false, he shall, upon conviction, be confined in the penitentiary not less than one nor more than five years.

§ 6. If any person for whom a subpoena has been issued by the chairman of said committee shall conceal himself or otherwise evade the officer, with intent to evade the service of said subpoena upon him, he shall be deemed guilty of a misdemeanor, and, upon conviction, he shall be fined not less than five hundred dollars nor more than one thousand dollars, and imprisoned in the county jail not less than six nor more than twelve months.

For evading summons.

§ 7. That said committee may hold its sessions at any time, which may be fixed by the chairman, and may hold them in the county of Franklin or any other county in the Commonwealth.

§ 8. That this act shall take effect and be in force from and after its passage.

Approved March 20, 1890.

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## CHAPTER 378.

AN ACT to amend an act, entitled "An act for the incorporation and regulation of fire, marine, health, accident, live stock, and all other except life insurance companies," approved March twelve, one thousand eight hundred and seventy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section twenty-four of an act, entitled "An act for the incorporation and regulation of fire, marine, health, accident, live stock, and all other except life insurance companies," approved March twelve, one thousand eight hundred and seventy, be so amended as to read as follows: It shall not be lawful for any insurance company, association or partnership organized or associated for any purposes specified in this act, incorporated by or organized



under the laws of any other State of the United States, or any foreign government or government of the United States, directly or indirectly, to take risks or transact any business of insurance in this State unless, if a stock company, possessed of the amount of one hundred and fifty thousand dollars of actual capital, paid up and unimpaired; or, if a mutual company, net assets amounting to one hundred and fifty thousand dollars: *Provided, however,* That a company undertaking to do any of the several kinds of insurance named in the second clause of section eight (as amended April eighteen, one thousand eight hundred and eighty-four) of the act to which this is an amendment may do so by making the deposit or deposits therein provided for; and any such company desiring to transact any such business as aforesaid by an agent or agents in this State, shall file with the Commissioner a written instrument, duly signed and sealed, authorizing any agent or agents of such company to acknowledge service of process for and in behalf of such company in this State, consenting that service of process, *mesne* or final, upon any such agent shall be taken and held to be as valid as if served upon the company, according to the laws of this or any other State, and waiving all claim to writ of error by reason of such acknowledgment or service; and service of process upon any such agent in any county of this State shall be deemed good and valid, and authorize trial of the cause in the court whence such process issued. If such agent shall fail or refuse from any cause to accept service of process as provided in said section, the plaintiff may have summons issued and served on him, which shall be services upon the company for all purposes, as in other cases. It shall be the duty of the clerk of the court in which suit may be brought against any such insurance company, at the commencement of the action, to place in the post-office, in a registered letter, a copy of the summons or other process which may be issued in

Capital required.

Proviso.

Consent of service of legal process.

Failure to accept service of process.

Duties of clerks of courts.

the cause, directed to the company at the place of the location of its principal office, postage paid; and he shall make a note or memorandum thereof on the papers of the suit, and tax the costs, postage included, as other costs of the suit: *Provided*, That such notification by the clerk shall not affect the time of the trial of the cause. If any such insurance company shall, without the consent of the other parties to any suit or proceeding against it, brought or to be brought in any of the courts of this Commonwealth, remove the said suit or proceeding into any Federal court, or if such company shall hereafter institute any suit or proceeding against any citizen of this Commonwealth in any Federal court, it shall be the duty of the Auditor forthwith to revoke all authority to such company and all its agents to do business in this Commonwealth, and to publish such revocation in some newspaper published in this Commonwealth. In case any such insurance company shall cease to transact business in this State according to the laws thereof, the agents last designated or acting as such for such corporation shall be deemed to continue agents for such corporation for the purpose of serving process for commencing actions upon any policy or liability issued or contracted while such corporation transacted business in this State; and they shall also file a certified copy of their charter or deed of settlement, unless heretofore filed, together with a statement, to be made annually, under the oath of the president or vice president, or other chief officer, and the secretary of the company for which he or they may act, in the same manner and form required from companies organized under the laws of this State, as per section nineteen; also a copy of the last annual report, if any, made under any law of the State by which such company was incorporated; and no agent shall be allowed to transact business for any company whose capital is impaired to the extent of twenty per cent. thereof while such deficiency shall continue,

Removal of suit  
to Federal Court.

Duty of Auditor.

Agents to con-  
tinue service of  
process thereon.

Documents to be  
filed.

When capital is  
impaired.

unless said deficiency shall be repaired in sixty days; and any company incorporated by or organized under any foreign government, shall file with the Commis-<sup>Foreign compa-  
nies.</sup>sioner the certificate of the Auditor, Comptroller or other chief financial officer of some other State, or of the United States, under his hand and official seal, that he holds on deposit and in trust, for the benefit of all the policy holders of such company in the United States, securities in which it is authorized to invest its capital stock by the laws of the State in which said deposit is made, or in which similar com-<sup>Deposits re-  
quired.</sup>panies in this State may by law invest their capital and accumulations, worth at least two hundred thousand dollars, and which shall be increased in case of any depreciation in their value; but nothing herein contained shall be construed to invalidate the agency of any such company by reason of such company having from time to time exchanged the securities so deposited with such financial officer for other and similar securities, or by reason of such company having drawn its interest and dividends from time to time for such stocks and securities: *Provided,*<sup>Proviso.</sup> That companies organized under the laws of any foreign government depositing the amount of securities aforesaid with the Auditor of this State, who shall receive the same in his official capacity, and producing and filing a certificate thereof in the manner provided by this section, shall be held to have complied with the requirements of this section, if such certificates shall state that the aforesaid deposit is for the benefit and protection of its policy-holders in the United States.

§ 2. That so much of an act of April eighteen, one thousand eight hundred and eighty-four, entitled "An act to amend an act, entitled 'An act for the incorporation and regulation of fire, marine, health, accident, live stock, and all other except life insurance companies,' approved March twelve, one thousand eight

<sup>An amendment  
repealed.</sup>

hundred and seventy," as amends said section twenty-four, is hereby repealed.

License to be  
obtained from  
Auditor.

Certificate from  
Insurance Com-  
missioner neces-  
sary.

§ 3. That section twenty-five of said act be so amended as to read as follows : It shall not be lawful for any agent of any insurance company not incorporated by the laws of this State to do business of insurance in this State, without first obtaining license from the Auditor of Public Accounts. Before the Auditor shall issue such license to any such agent, every such company or association shall furnish to him the certificate of the Commissioner of Insurance that such company has fully complied with the laws of this State respecting it, and has the required capital unimpaired, and is in a sound and solvent condition ; whereupon the Auditor shall furnish such agents, as the company directs, licenses to transact the business of insurance as agents for said company, under the seal of the Bureau of Insurance.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 20, 1890.

## CHAPTER 389.

AN ACT to repeal an act, entitled "An act for the benefit of Henry Academy and Henry Female College," approved December ninth, one thousand eight hundred and fifty.

Preamble.

WHEREAS, The lottery is a most demoralizing and odious system of gambling, degrading to the State, inducing idleness and crime, preying upon the hard earnings of the poor, plundering the ignorant and the simple, productive of extensive evils and injury to the people of the Commonwealth, injurious to public morals, and is immoral in all its tendencies ; and whereas, certain persons are conducting, or claiming the right to conduct, a lottery privilege or franchise by virtue of an act, entitled "An act for the benefit of Henry

Academy and Henry Female College," approved December ninth, one thousand eight hundred and fifty; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act for the benefit of Act. Henry Academy and Henry Female College," approved December ninth, one thousand eight hundred and fifty, is hereby repealed.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved March 22, 1890.

## CHAPTER 390.

AN ACT to repeal an act entitled "An act for the benefit of Shelby College," approved February sixteenth, one thousand eight hundred and thirty-seven, and all amendatory acts thereto.

WHEREAS, The lottery is a most demoralizing and Preamble. odious system of gambling, degrading to the State, inducing idleness and crime, injurious to public morals, and is immoral in all its tendencies; and whereas, certain persons are conducting, or claiming the right to conduct, a lottery privilege or franchise by virtue of an act, entitled "An act for the benefit of Shelby College," approved February sixteenth, one thousand eight hundred and thirty-seven, and certain amendatory acts thereto; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act for the benefit of Act. Shelby College," approved February sixteenth, one thousand eight hundred and thirty-seven, and all amendatory acts thereto, are hereby repealed.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved March 22, 1890.

## CHAPTER 391.

AN ACT to repeal an act, entitled "An act for the benefit of the city schools in the town of Frankfort, and for other purposes," approved February first, one thousand eight hundred and thirty-eight, granting a lottery for certain purposes, and to repeal all amendatory acts in so far as they relate to said lottery.

Preamble.

WHEREAS, By an act of the General Assembly, entitled "An act for the benefit of the city schools in the town of Frankfort, and for other purposes," approved February first, one thousand eight hundred and thirty-eight, a lottery grant was claimed by the town of Frankfort, and by section twenty-six of an act, entitled "An act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes," approved February sixteenth, one thousand eight hundred and thirty-nine, it was provided that the managers of said lottery were authorized to sell and dispose of the scheme or any class in said lottery; and whereas, by section two of an act, entitled "An act to amend the laws in relation to the city of Frankfort," approved February twenty-third, one thousand eight hundred and fifty-four, it was attempted to declare the act aforesaid, approved February first, one thousand eight hundred and thirty-eight, entitled "An act for the benefit of the city schools of Frankfort, and for other purposes," to be in full force, and by section one of an act, entitled "An act in relation to the town of Frankfort," approved May twenty-first, one thousand eight hundred and sixty-one, it was attempted to re-enact section twenty-six of an act, entitled "An act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes," approved February, one thousand eight hundred and thirty-nine; and whereas, lotteries are injurious to the public morals, promoting and fostering a vicious and low grade of gambling, by which a few fatten upon the hard earnings of the poor and credulous; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act for the benefit of the city schools in the town of Frankfort, and for other purposes," approved February first, one thousand eight hundred and thirty-eight, and so much of section twenty-six of an act, entitled "An act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes," approved February sixteenth, one thousand eight hundred and thirty-nine, as refers to the lottery scheme, or any class of said lottery, are hereby repealed. That section two of an act, entitled "An act to amend the laws in relation to the city of Frankfort," approved February twenty-third, one thousand eight hundred and fifty-four, is hereby repealed; and section one of an act, entitled "An act in relation to the town of Frankfort," approved May twenty-first, one thousand eight hundred and sixty-one, is hereby repealed.

§ 2. This act to take effect from and after its passage.

Approved March 22, 1890.

## CHAPTER 392.

AN ACT to repeal so much of section eighteen of an act, entitled "An act to amend and reduce into one the several acts in relation to the city of Frankfort," approved March sixteenth, one thousand eight hundred and sixty-nine, as grants to the board of councilmen of the city of Frankfort the same power and authority as granted to the managers in an act entitled "An act for the benefit of the city schools of the town of Frankfort, and for other purposes," approved February first, one thousand eight hundred and thirty-eight, and to repeal all amendatory acts in relation to said grant.

WHEREAS, There is embodied in a part of section Preamble. eighteen of an act, entitled "An act to amend and reduce into one the several acts in relation to the city of Frankfort," approved March sixteenth, one thousand eight hundred and sixty-nine, a grant to the board of councilmen of the city of Frankfort the same fran-

chises, power and authority as was conferred on the managers in an act, entitled "An act for the benefit of the city schools of the town of Frankfort, and for other purposes," approved February first, one thousand eight hundred and thirty-eight; and whereas, by an act, entitled "An act amendatory of the laws in relation to the city of Frankfort," approved March twenty-eighth, one thousand eight hundred and seventy-two, the board of councilmen of the city of Frankfort were authorized to grant, sell and convey, and otherwise dispose of any property belonging to the city of Frankfort, be the same lands, chattels or franchises, et cetera, certain persons are now claiming the right to manage and conduct a lottery under said acts; and whereas, lotteries are injurious to public morals, degrading to the public, where permitted, fostering criminal and vicious habits, a depraved system of gambling whereby the ignorant and credulous are plundered of their small savings; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Act.

§ 1. That so much of section eighteen of an act, entitled "An act to amend and reduce into one the several acts in relation to the city of Frankfort," approved March sixteenth, one thousand eight hundred and sixty-nine, as grants to the board of councilmen of the city of Frankfort the same franchises, power and authority as are conferred on the managers in an act, entitled "An act for the benefit of the city school of the town of Frankfort, and for other purposes," approved February first, one thousand eight hundred and thirty-eight, is hereby repealed. That an act, entitled "An act amendatory of the laws in relation to the city of Frankfort," approved March twenty-eighth, one thousand eight hundred and seventy-two, is hereby repealed.

§ 2. This act to take effect from and after its passage.

Approved March 22, 1890.



CHAPTER 394.

AN ACT to regulate the punishment of offenses committed within this Commonwealth where the punishment is now a fine or imprisonment in the county jail, or both.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That for all offenses committed within this Commonwealth, the punishment for which is a fine or imprisonment in the county jail, or both, the imprisonment may, in the discretion of the jury, be accompanied with hard labor, as provided for in section one, article eleven of chapter twenty-nine of the General Statutes: *Provided*, That if the punishment be a fine, the defendant shall be credited with two dollars for each day he may be worked, and as to cases including imprisonment he shall be credited with each day he may so work on said improvement.

§ 2. All laws in conflict with the provisions of this act are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved March 22, 1890.

CHAPTER 422.

AN ACT to repeal an act, entitled "An act for the benefit of the Grand Lodge of Kentucky," approved January twenty-seventh, one thousand eight hundred and fifteen, and all amendatory acts in reference thereto.

WHEREAS, Certain parties are claiming the right to run a lottery under the authority of an act, entitled "An act for the benefit of the Grand Lodge of Kentucky," approved January twenty-seventh, one thousand eight hundred and fifteen, and amendatory acts in reference thereto; and whereas, lotteries are a dis-

grace to the public when permitted, and injurious to the public morals ; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Act. § 1. That an act, entitled “An act for the benefit of the Grand Lodge of Kentucky, approved January twenty-seventh, one-thousand eight hundred and fifteen, and all amendatory acts in reference thereto, are hereby repealed.

§ 2. This act to take effect from and after its passage.

Approved March 25, 1890.

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#### CHAPTER 426.

AN ACT to declare Lower Devils creek, in Wolfe county, Kentucky, navigable.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Lower Devils creek, in Wolfe county, Kentucky, be, and the same is hereby, declared navigable from the mouth of said creek up to the forks of same.

§ 2. This act shall take effect from and after its passage.

Approved March 25, 1890.

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#### CHAPTER 449.

AN ACT to declare Island creek, in Pike county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Island creek, in Pike county, be, and the same is hereby, declared a navigable stream.

§ 2. This act shall take effect from and after its passage.

Approved March 27, 1890.

CHAPTER 452.

AN ACT to declare Boon's Fork of Frozen creek, in Breathitt county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Boon's Fork of Frozen creek, in Breathitt county, be, and the same is hereby, declared a navigable stream from the upper end of James J. Hampton's farm to the mouth of said creek.

§ 2. That this act shall take effect from its passage.

Approved March 27, 1890.

CHAPTER 453.

AN ACT to declare the Rock-house Fork of Rockcastle creek, in Martin county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Rock-house Fork of Rockcastle creek, in Martin county, be, and the same is hereby declared, a navigable stream from the mouth of said fork up to the mouth of Lick branch.

§ 2. This act shall take effect from its passage.

Approved March 27, 1890.

CHAPTER 454.

AN ACT to amend an act, entitled "An act to amend the revenue laws of the Commonwealth of Kentucky," approved May seventeenth, one thousand eight hundred and eighty-six.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section nine of article five of an act, entitled 'An act to amend the revenue laws of the Common-

Section 9 amended.

wealth of Kentucky," approved May seventeenth, one thousand eight hundred and eighty-six, be, and the same is hereby, amended by adding to said section nine these following words, namely: *Provided*, That any retail dealer in spirituous, vinous or malt liquors doing business in any incorporated city or town shall have the right to remove his license and change his business location, and do business under said license in any other portion of the city or town (than the place named in his license) by first procuring the consent of the county court and the municipal authorities granting said license. Such consent shall be entered of record by said court, and indorsed on the license, and signed by the judge of said court and approved by said municipal authorities. Any person desiring to make such removal of his business shall give the same kind and character of notice, and the same length of time as is now required in an original application for license; and it shall be in the discretion of the county court to grant or refuse the right to any retail dealer in spirituous, vinous or malt liquors to remove his license and place of business as herein-  
 aforesaid provided.

License may be removed with change of locality.

Conditions.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 27, 1890.

## CHAPTER 497.

AN ACT to amend section one, article one, chapter ninety-four, General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section one, article one, chapter ninety-four, of the General Statutes, be, and the same is hereby, amended by inserting the words "Public Cemetery" after the word "Worship" in the fifth line of said section.

Chapter 94, section 1, article 1 amended.

§ 2. This act shall take effect from and after its passage.

Approved April 2, 1890.

## CHAPTER 518.

AN ACT to amend article three of chapter ninety-two, General Statutes, title "Revenue and Taxation."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the president or chief officer of each railroad company, or other corporation or association owning or operating a railroad lying in whole or in part in this State, which or any part thereof shall be located in any graded or common school district in this State, shall on or before the first day of September in each year report, under oath, to the Auditor of Public Accounts of the State, in addition to the facts required of such officer by section one of article three of chapter ninety-two, General Statutes, a statement of the length of such railroad and branches thereof in each respective graded and common school district in this State, and the average value per mile thereof for the purpose of being operated for carrying freight and passengers, including engines and cars, and a list of depot grounds and improvements and other real estate of the said company or association, and the value thereof, and each respective graded and common school district in which the same are located. Said report shall be made as of the first day of July, and a failure to file said report by the first day of September in each year shall subject the president or chief officer residing in this State to a fine of one thousand dollars, and fifty Railroads to report. dollars for every day after the first day of September that he fails to file said report, to be recovered by indictment in the circuit court of the county in which any graded or common school district with respect to which such failure occurred shall be situated. Penalty.

§ 2. It shall be the duty of the county superintendent of common schools to furnish such railroad com- Duty of county superintendent.

pany with the boundary of each graded or common school district in his county in which any part of such railroad track or other property is situated.

§ 3. The same rate of taxation authorized to be  
 Rate of taxation. levied in any graded or any common school district in which any portion of such railroad is located, which is or may be in any year levied on other real estate therein, shall be, and is hereby, levied on the value of the real estate of said company therein, and in the number of miles of such railroad reckoned as of the value of the average value of each mile of such railroad, with its rolling stock, as ascertained as aforesaid, and as equalized and corrected by the Railroad Commissioners of this State.

§ 4. All taxes against any railroad company which  
 To be paid 10th shall be levied in any graded or common school district shall be paid on or before the tenth day of October in each year to the collector of the district tax in each respective graded and common school district, and for a failure to pay such taxes as aforesaid, the president or chief officer residing in this State shall be subject to a fine of fifty dollars for every day that elapses without the payment of said taxes. After the tenth day of October, the said fine may be recovered by indictment in the circuit court of the county of the graded or common school district, with respect to which such failure shall occur. And the taxes due each district respectively may be recovered by civil actions in any court of competent jurisdiction.

§ 5. The provisions of this act shall not be construed to apply to any colored school district: *Provided*, That the same rate of taxation assessed against the real estate of any railroad company or corporation in any graded common school district or common school district, in any year, shall be assessed against all of the taxable property in such district; and the railroad tax, when collected, shall be paid over to the county superintendent of the county in which the district school-house wherein the tax as-

essed shall be situated, and shall constitute and be held by the county superintendent as a graded or common district school fund; and the said fund shall be apportioned and distributed by the county superintendent between the white graded common school or white common school district wherein said tax shall be collected, and any colored common school district which shall be located over the same boundary; which distribution shall be in the ratio that the whole number of white children of pupil age and the whole number of colored children of pupil age residing in the district shall bear to the whole number of children, white and colored, residing in the district wherein such tax shall be collected.

§ 6. This act shall be in force from and after its passage.

Approved April 2, 1890.

## CHAPTER 527.

AN ACT to declare Woodcock's branch, in Henry county, a navigable stream from Grub Ridge Church to Big Six-Mile creek.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Woodcock branch, in Henry county, be, and the same is hereby, declared a navigable stream from Grub Ridge Church to Red Thomas Thurman's, thence to Solomon Downey's, thence to Thorne's burying ground, thence to the dance ground, thence to George Clark's spring, thence to old uncle Charley Clark's, thence to William Clark's, thence to Nim Moore's, thence past Bob Smith's out to Big Six-Mile creek; and any person obstructing its beautiful, pure Democratic waters, or in any way molesting Thorne's burying ground or the dance grounds, shall be amenable to the laws now in force against the obstruction of navigable streams and trespass.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved April 3, 1890.

## CHAPTER 552.

AN ACT to authorize the printing of a roster of the officers and soldiers from Kentucky in the war of one thousand eight hundred and twelve—fifteen.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Governor and Adjutant-General be, and they are hereby, authorized and empowered to take such action as may be necessary to have printed and bound by the Public Printer, in neat and durable form, not exceeding three hundred copies, of a roster of the officers and soldiers from Kentucky who served in the war of one thousand eight hundred and twelve—fifteen, and that a copy of said roster, when printed, shall be furnished each of the county clerk's offices of this Commonwealth, where they shall be kept as other public records are required to be kept.

§ 2. This act shall take effect from its passage.

Approved April 3, 1890.

## CHAPTER 557.

AN ACT to amend an act, entitled "An act to amend the revenue laws of the Commonwealth of Kentucky," approved May seventeenth, one thousand eight hundred and eighty-six.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section eighteen of article six of chapter Assessor, duty of ninety-two of the General Statutes be amended as follows: That it shall be the duty of the assessor to report to the board of supervisors a list of all tax-payers in the county whose tax lists have been added to or increased by him after receiving them from the hands of the tax-payer, together with a short state-



ment of the reasons for making such increase or addition.

§ 2. That section six of article seven be amended as <sup>Supervisors, duty of.</sup> follows: That it shall be the duty of the board of supervisors in each county of this Commonwealth to sit as supervisors to revise the tax lists of their respective counties, not less than two nor more than six days in any year, beginning on the day provided by law, during which time they shall pass upon each individual tax list as returned by the assessor, and may increase or reduce such lists as may appear right and proper in their judgment. It shall then be their duty to adjourn for a period of not less than ten nor more than sixteen days, after having placed in the hands of the sheriff or his deputy a complete list of all tax-payers whose list of assessable property have been increased by them, or whose lists were added to or increased by the assessor with a list of such other tax-payers as may have been omitted by the assessor and by them placed on his books during their sitting.

§ 3. It shall be the duty of the sheriff, or of his <sup>Sheriff, duty of.</sup> deputy, to notify each tax-payer whose name shall have been given him in pursuance of the foregoing section, of the fact that said board has increased his valuation, or that the same was added to or increased by the assessor after receiving it from the tax-payer, or that his list has been added to the book after having been omitted by the assessor; and he shall also notify him of the day to which the board has adjourned, and that he may appear and show cause, if any he may have, why such increase or addition should not be made: and for such services as are herein required of the said sheriff or his deputy, he shall be allowed a reasonable compensation by the court of claims, which shall be paid out of the county levy: *Provided*, That notice to non-residents and infants shall be served on their agent, attorney or guardian if they have one in the county, and if none

in the county, notice shall be posted in some conspicuous place on the premises.

§ 4. It shall be the duty of the said board, on re-  
Board to hear  
complaints. assembling, to hear all complaints of those who were notified to appear, and to pass finally upon the assessment of such tax-payers, and from such action there shall be no appeal: *Provided, however,* That all cases of mistake or clerical error may be corrected by an order of the county judge in open court, as now provided by section three, article eight, of the present revenue law.

§ 5. The board may remain in session for the purpose of hearing appeals not less than one nor more than three days, except in the counties of Jefferson, Kenton, Campbell, McCracken, Fayette, Daveiss and Mason, where said board may sit as follows: In Jefferson county, outside the corporate limits of the city of Louisville, five days, and after adjournment four days; in Kenton county, seven days, and after adjournment three days; in Fayette, nine days, and after adjournment five days; in Mason, seven days, and after adjournment three days; in Daveiss, nine days, and after adjournment five days; in Campbell county, ten days, and after adjournment five days; and said board shall sit at least two days at the courthouse in Alexandria; in the county of McCracken, nine days, and after adjournment five days; in the city of Louisville before twenty days, and after adjournment not more than ten days.

§ 6. The failure of any sheriff or deputy or of an assessor to perform his duty under this act shall subject him to a fine of five hundred dollars, which may be recovered of him by an action on his official bond in the circuit court of his county in an action in favor of the Commonwealth.

§ 7. This act to take effect and be in force from and after its passage.

Approved April 4, 1890.

## CHAPTER 560.

AN ACT to authorize the procuring of copies of the muster rolls of the several military organizations from Kentucky in the Confederate army, and for their preservation when obtained.

WHEREAS, It appears from the report of the Adjutant-General that the State now has among her archives official records of all the volunteer officers and soldiers from Kentucky who served in the war of one thousand eight hundred and twelve—fifteen; of those who served in the war with Mexico, and of those who served in the armies of the Union during the late civil war; and, whereas, no true and accurate history of our State from one thousand eight hundred and sixty-one to one thousand eight hundred and sixty-five, inclusive, can ever be written without data, to be gathered alone from said records, which are on file in Washington City; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Governor and the Adjutant-General be, and they are hereby, authorized and empowered to take such steps as may be necessary to procure from the government of the United States authenticated copies of the muster rolls of the several military organizations from Kentucky which rendered service in the Confederate army, and when procured to cause to be made a roster of the same, and have printed and neatly bound by the Public Printer, not exceeding three hundred copies of said roster, for distribution among the public offices of the State, and make report of their action in the premises to the next General Assembly.

Muster rolls and roster.

§ 2. "This act shall take effect from its passage.

Approved April 4, 1890.

## CHAPTER 569.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to establish a Superior Court, and to regulate the same,'" approved March eighteenth, one thousand eight hundred and eighty-six.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the first section of an act, entitled "An  
 Superior court act to amend an act, entitled 'An act to establish a  
 continued. Superior Court, and to regulate the same,' " approved April twenty-second, eighteen hundred and eighty-two, and which amendatory act was approved March eighteenth, eighteen hundred and eighty-six, be, and the same is hereby, amended by inserting after the figures "eighteen hundred and ninety," at the end of section one, the following: "On the first Monday in August, eighteen hundred and ninety, there shall be elected by the qualified voters of this Commonwealth, three persons as judges of said court, whose term of office shall commence on the first Monday in September, eighteen hundred and ninety, and continue until the first Monday in September, eighteen hundred and ninety-four."

§ 2. This act shall take effect from its passage.

Approved April 4, 1890.

## CHAPTER 570.

AN ACT to amend section five, article two, chapter sixteen, General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section five, article two, chapter sixteen,  
 Chapter 16, section 5, article 2 of the General Statutes, be, and the same is hereby,  
 amended. amended by striking out in line fourth the words  
 "without any fee or charge therefor," and insert in

lieu thereof "without charging the State tax for affixing seals."

§ 2. This act shall take effect from and after its passage.

Approved April 4, 1890.

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## CHAPTER 573.

AN ACT to amend section eighteen of chapter thirty-one of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section eighteen of chapter thirty-one of the General Statutes be, and the same is so amended, Chapter 31, section 18 amended. as to read: "Said court shall have authority to give the petitioner the parental control of such adopted person, if an infant, but not without the consent of the parents or parent if both or either be living; and said petitioner shall be under the same responsibilities as if the person so adopted were his own child."

§ 2. This act shall take effect from and after its passage.

Approved April 8, 1890.

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## CHAPTER 580.

AN ACT to amend section eight of article two of chapter forty-four of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section eight of article two of chapter forty-four of the General Statutes be amended by Chapter 44, section 8, article 2 amended. adding thereto these words: "The provisions of this section shall apply to assignments made by debtors

for the *pro rata* payment of debts generally as well as to trusts created by the statute against preferences and fraudulent conveyances."

§ 2. That this act shall take effect and be in force from and after its passage.

Approved April 7, 1890.

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## CHAPTER 581.

AN ACT to amend article one of chapter forty-seven of General Statutes, entitled "Gaming."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Chapter 47, article 1 amended. § 1. That section twenty-four of article one of chapter forty-seven of the General Statutes is hereby repealed, and in lieu thereof the following is substituted, to-wit: If any person or persons shall engage in any hazard or game in which money or property is bet, won or lost, such person or persons shall be subject to a fine of not less than twenty nor more than one hundred dollars.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1890.

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## CHAPTER 582.

AN ACT to make the provisions of "An act to incorporate the purchasers of railroads," approved March first, one thousand eight hundred and seventy-six, and the amendments thereto, apply to the purchasers of turnpike roads.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Act March 1876, amended. § 1. That the provisions of the act, entitled "An act to incorporate the purchasers of railroads," approved March first, one thousand eight hundred and

seventy-six, as amended, are hereby made to apply to purchasers at judicial sales, heretofore or hereafter made, of the franchises and roads belonging to turn-pike companies.

§ 2. This act shall take effect from its passage.

Approved April 7, 1890.

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## CHAPTER 583.

AN ACT to amend section one, article four of chapter five of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section one of article four of chapter five of the General Statutes be, and the same is hereby, amended by adding thereto the following words, to-wit: "He shall also attend to all civil cases and proceedings in the circuit courts of his district in which the Commonwealth is interested, provided that the Commonwealth's Attorney for the district in which Franklin county is now or may hereafter be located, shall not discharge such duties for the Commonwealth in civil cases and proceedings in the Franklin Circuit Court."

Chapter 5, section 1, article 4 amended.

§ 2. This act shall take effect from and after its passage.

Approved April 7, 1890.

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## CHAPTER 603.

AN ACT declaring Buffalo creek, in Owsley county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Buffalo creek, in Owsley county, be, and the same is hereby, declared a navigable stream from

the mouth of Rock-house fork to the John Gay farm on the right hand fork of said creek, and to Richard Rice's on left hand fork of said creek.

§ 2. This act to take effect from and after its passage.

Approved April 7, 1890.

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#### CHAPTER 604.

AN ACT declaring the East fork of Goose creek, in Clay county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the East fork of Goose creek, in Clay county, be, and the same is hereby, declared a navigable stream from the mouth of the East fork to the mouth of Asher fork of said creek.

§ 2. This act to be in force from and after its passage.

Approved April 7, 1890.

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#### CHAPTER 610.

AN ACT to declare the right fork of Greasy creek, in Johnson county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the right hand fork of Greasy creek, in Johnson county, be, and the same is hereby, declared navigable from the mouth of said fork up to the lower end of the lands now owned by Henderson Butcher.

§ 2. This act shall take effect from its passage.

Approved April 7, 1890.



## CHAPTER 632.

AN ACT to declare Leatherwood creek, in Perry county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Leatherwood creek, a tributary of the middle fork of the Kentucky river, in Perry county, is hereby declared a navigable stream.

§ 2. This act shall take effect from and after its passage.

Approved April 7, 1890.

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## CHAPTER 633.

AN ACT to declare Bull creek, in Leslie county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Bull creek, a tributary of the middle fork of the Kentucky river in Leslie county, is hereby declared a navigable stream from the mouth of said creek up same to Renny Napier's house.

§ 2. This act to take effect from and after its passage.

Approved April 7, 1890.

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## CHAPTER 671.

AN ACT to regulate bridges spanning the Ohio river from points within the county of Kenton, and tolls on the same.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful for any person or corporation to demand, charge, collect or receive for passage over any bridge spanning the Ohio river from

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Tolls regulated.

any point within the county of Kenton, in the Commonwealth of Kentucky, any toll, fare, compensation, reward or thing of value whatever greater than, or in excess of, the following rates, to-wit: For persons passing over such bridge on foot, one cent for a single crossing or twenty-five crossings for twenty cents; for vehicles drawn by one horse, eight cents for a single crossing or eight crossings for fifty cents, or sixteen crossings for one dollar; for vehicles drawn by two horses, twelve cents for a single crossing or six crossings for fifty cents, or twelve crossings for one dollar; for vehicles drawn by three horses, fifteen cents for a single crossing or ten crossings for one dollar; for vehicles drawn by four horses, eighteen cents for a single crossing or eight crossings for one dollar; for vehicles drawn by more than four horses, three cents for every horse more than four; for vehicles drawn or driven by other than animal power, the same toll charged for vehicles drawn by two horses; for horse with rider, five cents; for timber wheels drawn by two horses, fifteen cents; for timber wheels drawn by four horses, twenty-five cents; for timber wheels drawn by six horses, thirty-five cents; for cattle, horses or mules per head, five cents; for hogs or sheep per head, two cents; for loads weighing ten tons or more, fifty cents; for vehicles in tow, the same toll charged for vehicles drawn by one horse.

Rates.

§ 2. Every person or corporation owning, possessing, controlling or operating any bridge, such as is described in the title of this act, shall sell to all applicants therefor, in quantities desired by the applicants, tickets for passage over such bridge, according to the divisions, classifications, and at not greater rates than the maximum rates fixed in the first section of this act; and such tickets shall entitle the holder to passage either way over such bridge at rates not greater nor more than those fixed in the first section of this act.

§ 3. Every person or corporation owning, possessing, controlling or operating any such bridge as is described in the title of this act, shall have and keep at such bridge, and within the county of Kenton, in the Commonwealth of Kentucky, an office, and there have continuously on sale, between the hours of six o'clock ante meridian and eight o'clock post meridian of each and every day, the tickets provided for in the second section of this act, and shall at such office keep conspicuously posted a schedule of the tolls that may be fixed in pursuance of the provisions of this act.

§ 4. Every violation of or failure to comply with any provision or requirement of the foregoing sections of this act shall subject the corporation or person so offending to a fine of not less than one hundred dollars and not more than one thousand dollars, to be recoverable by the Commonwealth of Kentucky by indictment in any court of competent jurisdiction.

§ 5. In addition to the penalty fixed in the next foregoing section of this act, any violation of or failure to comply with any provision or requirement of this act by any corporation owning, possessing, controlling or operating any bridge, such as is described in the title of this act, shall be a cause for the forfeiture of the charter and franchises of such corporation; and in case there be any such failure to comply with or violation of the provisions or requirements of this act by any such corporation, then the Governor of this Commonwealth may cause to be instituted and prosecuted in the name of and on behalf of the Commonwealth of Kentucky, by the Attorney-General, and by such other counsel as the Governor may designate, the proper judicial proceedings for a forfeiture of the charter, franchises, rights, powers and privileges of such corporation; and every such proceeding when brought, shall be brought not only for such failure to comply with and violation of this act, but also for any other act or omission that has heretofore occurred,

Penalty.  
Forfeiture of  
charter, when.

which may be cause for such forfeiture, and every such proceeding when brought, shall also be brought for any violation of or failure to comply with any amendment to the charter of any such corporation that may have heretofore been, or that may hereafter be, enacted by the General Assembly of the Commonwealth of Kentucky, and nothing in this act contained shall operate as a waiver or relinquishment of any forfeiture or of any ground or cause for forfeiture that may have heretofore accrued with reference to any corporate franchise, right, power, privilege or immunity whatsoever.

§ 6. This act shall be in force from its passage.

Approved April 9, 1890.

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## CHAPTER 677.

AN ACT to allow the Auditor of Public Accounts two thousand seven hundred dollars per annum as an additional appropriation for clerk hire.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That in addition to the sum now appropriated annually for clerk hire in the office of the Auditor of Public Accounts, the further sum of two thousand seven hundred dollars per annum is hereby appropriated and set apart for that purpose.

§ 2. This act shall take effect from and after its passage.

Approved April 10, 1890.

## CHAPTER 693.

**AN ACT** to amend an act, entitled "An act for the incorporation and regulation of life insurance companies," approved March twelfth, one thousand eight hundred and seventy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section two of an act, entitled "An act for the incorporation and regulation of life insurance companies," approved March twelfth, one thousand eight hundred and seventy, and the amendment thereto, approved February sixth, one thousand eight hundred and eighty, be, and is hereby, repealed, and the following is substituted in lieu thereof: No company organized under the laws of this State, or organized under the laws of any other State, or of the United States, or of any foreign government, transacting the business of life insurance in this State, shall be permitted to take any other kind of risks except those connected with or appertaining to making insurance on life, or against accident to persons, and the granting, purchasing and disposing of annuities and endowments: *Provided*, That any company making both insurance on life and against accident to persons, as herein provided, shall be required to make a separate report and sworn statement for each kind of business done, such as is now required of companies doing but one kind of business in this State under this act.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 11, 1890.

## CHAPTER 694.

AN ACT to amend an act approved May second, one thousand eight hundred and eighty-eight, entitled "An act to amend an act to provide for the government, management and discipline of the Kentucky penitentiary," approved May third, one thousand eight hundred and eighty, and the several amendments thereto.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Penitentiary. § 1. That section one of an act approved May second, one thousand eight hundred and eighty-eight, entitled "An act to amend an act, entitled 'An act to provide for the government, management and discipline of the Kentucky penitentiary,'" approved May third, one thousand eight hundred and eighty, and the several amendments thereto, be, and the same is hereby, so amended as to strike out and repeal the words: "*Provided*, That said commissioners shall not parole a greater number than five per cent. of the prisoners in any one year."

§ 2. This act shall be in force from and after its passage.

Approved April 11, 1890.

## CHAPTER 708.

AN ACT to repeal subsection three of section six of chapter one hundred and three, General Statutes as far as the same applies to the county of Bullitt.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section three of subsection six, chapter one hundred and three of the General Statutes, be, and the same is hereby, repealed as far as the same applies to the county of Bullitt.

§ 2. This act shall be in force from and after its passage.

Became a law without Governor's approval, April 12, 1890.

## CHAPTER 717.

AN ACT to amend article one, chapter ninety-four, General Statutes, title "Roads and Passways," and to establish road tax districts, and authorize the levy of a district road tax in certain counties of this Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That sections twenty-one, twenty-three, twenty-four, twenty-five and thirty-two of article one, chapter ninety-four, General Statutes, be, and the same are hereby, repealed, and the provisions of this act adopted as part of said chapter: *Provided*, That this act shall apply only to the counties of Bullitt and Rowan.

§ 2. The territorial boundary of each magisterial district in the counties to which this act applies is hereby created and established a separate road tax district: *Provided*, That this act shall not apply to any magisterial district situated wholly within the limits of any incorporated city or town maintaining a municipal government separate from the county: *And further provided*, That the inhabitants of cities and towns whose corporate authorities by law have power to keep their streets and alleys in order, and are exempted by their act of incorporation from working the public roads for more than a half mile distance outside their corporate limits, and who keep all of the public roads leading thereto in order for said distance outside their corporate limits, shall be exempt from the road levy under this act.

Roads and pass-  
ways, tax for.

§ 3. The county court of claims in each of said counties to which this act applies, shall, at the regular term of said court in the year one thousand eight hundred and ninety, and at said term annually thereafter, levy an ad valorem and capitation road tax in each road tax district created by this act, in any sum which shall be sufficient to put

County court,  
duty of.

and maintain all of the public roads in each road district in good order, which levy shall not be less than five cents nor exceeding fifteen cents upon each one hundred dollars of value of real and personal property and estate subject to the payment of the State revenue in each respective road district, and not less than two dollars nor more than three dollars a head on each male person twenty-one years of age and not over fifty years of age in each district: *Provided*, That licensed ministers of the gospel and the chairman of trustees of common schools, idiots and lunatics and persons unable from infirmity to perform manual labor, shall be exempt from the head levy under this act: *And provided*, That the said levy may be made at a special term of said court for the year one thousand eight hundred and ninety.

Tools to be provided.

§ 4. It shall be the duty of the said court to provide for the purchase of suitable tools and implements, plows, scrapers, shovels, picks, wheelbarrows and such implements as they may deem necessary, and for the purchase or hire of such work beasts as shall be necessary to keep the roads in good order in each road district. Said court shall have the power to make an additional levy for this purpose when necessary, which shall not exceed in any year five cents on each one hundred dollars of value of real and personal property subject to the payment of State revenue, and not exceeding fifty cents on each male person over twenty-one years of age and under fifty years of age (except licensed ministers of the gospel) in each respective road district.

Fine.

§ 5. If the court of claims shall fail to make the levy required by this act, each member of the court whose name does not appear recorded in favor thereof shall be liable to a fine of not less than fifty nor more than two hundred dollars for every such failure, to be recovered by indictment in the circuit court in the county where the failure occurred, and shall be liable in civil actions in the name of the Common-



wealth for the use of each road district, respectively, for all damages sustained by reason thereof.

§ 6. If from any cause the levy of the tax hereby <sup>Time of.</sup> authorized shall not be made at the time required by this act, such levy when made at any other time shall be valid.

§ 7. The taxes levied under this act, unless other- <sup>Tax due, when.</sup> wise provided for herein, shall be due and payable on the first day of February in each year succeeding the levy thereof. Each road district shall have a lien for all taxes levied under this act on the property assessed and on all other property of each person owing such tax, which shall not be defeated by any sale, gift, devise, incumbrance, or any manner whatever: *Provided*, Such lien shall not exist longer than five years from the date the taxes become due.

§ 8. It shall be the duty of the president or chief <sup>Duty of president of corporation.</sup> officer of each railroad company or other corporation or association owning or operating a railroad which, or any part thereof, shall be located in any road district created by this act, on or before the first day of September in each year, to report under oath to the Auditor of Public Accounts of the State, in addition to the duties required of such officer by section one of article three, chapter ninety-two, General Statutes, a statement of the length of such railroad in each road district created by this act, and the average value per mile thereof, for the purpose of being operated for carrying freight and passengers, including engines and cars, and a list of depot grounds and improvements and other real estate of the said Company, and the value thereof in each respective road district. Said report shall be made as of the first day of July, and a failure to file said report by the first day of September in each year shall subject the president or chief officer residing in this State to a fine of five hundred dollars, and fifty dollars for every day after the first day of September that he fails to file same, to be recovered by indictment in the circuit court of the county where-

in the road district with respect to which the failure occurred shall be situated. All taxes against railroads levied under this act, shall be paid on or before the tenth day of October in each year, to the sheriff of the respective counties, and for a failure to pay the same, the president or chief officer residing in this State shall be subject to a fine of fifty dollars for every day, after the tenth day of October, that the taxes due each road district respectively are suffered to remain unpaid. After the tenth day of October the said fine may be recovered by indictment in the circuit court of the county wherein any road district where the tax shall remain unpaid shall be situated, and the taxes due each district may be recovered by actions in the name of the Commonwealth for the use of the road districts respectively, in the courts of civil common law jurisdiction in the road districts or county where the property assessed shall be located.

Statement of  
dividends.

§ 9. The president or treasurer of each turnpike road in this Commonwealth paying dividends on its stock shall, by the first day of July of each year, report to the assessor of the county in which any portion of such turnpike road shall be located, a full and accurate statement, under oath, of the length of such turnpike road in each road district hereby created, and the average net dividends per mile for the whole length of said roads, to be ascertained by the treasurers or presidents of said roads, under oath; and shall pay to the sheriff of each county on or before the tenth day of July in each year a road tax, under this act, at the rate of one and one-half per centum upon the average net dividends per mile thereof, for each mile of such turnpike road or fraction thereof in each road district wherein any such turnpike shall, or any part thereof, be located.

Telegraph com-  
pany.

§ 10. The president, treasurer, secretary or manager of every telegraph company or association operating or controlling any telegraph line in said counties, doing business or running their lines through any road

district created by this act, shall report to the assessor of each county where such lines shall be located, on or before the first day of July of each year, a full and accurate statement, under oath, of each line and the number of wires used on each, and the whole number of miles of wire or fractions thereof worked or operated under their control in each road district; and shall pay to the sheriff of each county, on or before the tenth day of July in each year, a road tax under this act equal to fifteen cents per mile for each line of poles and first wire, and seven and one-half cents per mile for each additional wire in each road district.

§ 11. The president or manager of every telephone company or telephone line whose poles and wires shall be located in any road district created by this act shall, on or before the first day of July in each year report, under oath, to the assessor of the county where their lines shall be operated, a statement of each line operated and the number of miles and fractions thereof in each road district; and shall pay to the sheriff, on or before the tenth day of July in each year, a road tax under this act equal to ten cents per mile for each mile of wire operated in each respective road district.

§ 12. It shall be the duty of the president, treasurer and secretary of every gas or water company or association, any part of whose pipes, mains or other property shall be situated in any road district created by this act, to report, under oath, to the assessor on or before the fifteenth day of September in each year as of that date, a full and complete list of all real and personal property, the length of each gas or water pipe or main, buildings, engines, machinery, pipes and mains above and below ground, reservoirs, retorts, meters, tanks, condensers, and all and every species of property belonging to such gas or water company or association situated in each respective road district, and the total cash value of such property in each district.

Fine.

§ 13. The president, treasurer, secretary, manager or agent refusing or failing to comply with any of the provisions of the last four preceding sections of this act, shall be fined a sum not less than one hundred nor more than three hundred dollars for each offense, and he and his sureties shall, in addition, be liable for the taxes due from the corporation to each road district. Said fine may be recovered by indictment in the circuit court of the county where the property is located, and the taxes due may be recovered by actions in the name of the Commonwealth for the use of the road districts, respectively, in the courts of civil common law jurisdiction in the road districts or county respectively where the property assessed is located.

Judge to appoint  
surveyor.

§ 14. The judge of the county court shall at the regular term of said court, in the month of January, one thousand eight hundred and ninety-one, and at said term every two years, and as often as shall be necessary, appoint a surveyor of roads in each road district hereby created in his county, who shall be an able bodied, capable, sober, discreet man, and a resident of the road district for which he shall be appointed. Said surveyor shall serve for a term of two years from the first day of June following his appointment and qualification, unless sooner removed by the court. The court shall have power to remove such surveyor for a failure to discharge any of the duties required of him by this act, and to fill vacancies: *Provided*, That at least five days' notice shall be given the surveyor to show cause against such removal, briefly stating the grounds of the complaint. The court shall hear and decide all complaints of inequality in the distribution of labor on the roads by the surveyor, and may make orders directing the surveyor to repair any portion of the road that may appear to the court to have been neglected. The court shall have power to enforce obedience to its orders, and for a failure of the surveyor to obey the order of the court, he may be proceeded against by rule for con-

tempt, and fined by the court for disobedience of its order any sum not exceeding twenty-five dollars for each offense.

§ 15. Each surveyor before entering upon the duties of surveyor shall take and subscribe an oath that he will faithfully and impartially discharge the duties of surveyor of roads according to law, and shall execute before the county court a covenant to the Commonwealth of Kentucky with one or more sureties, whose aggregate estate, subject to execution after the payment of all their debts and liabilities, shall be worth at least one thousand dollars, in substance as follows: We, A B, surveyor of roads in district No. —, in the county of —, and C D, his surety, jointly and severally bind and oblige ourselves to the Commonwealth of Kentucky that the said A B shall faithfully and impartially discharge the duties of surveyor of roads for said district, and will keep and report to the court when required to do so, a full and accurate account of the time of his actual service and the time of each hand and team, or other item of service employed by him on the public roads in his district, with the dates and compensation paid or contracted for each item of service, and the number of the road section on which the service was performed, and will safely keep all property and moneys coming to his hands as surveyor and disburse, pay over and surrender same to the persons authorized to receive same according to law, and as the court shall direct. Witness our signatures the — day of —. Said bond shall be attested by the clerk of the county court and recorded in his office. The surveyor and his sureties shall be liable to actions on said bond in the name of the Commonwealth, for the use of the road district, for all damages sustained by a violation of any of the provisions of the same.

§ 16. The surveyor of roads may recommend for assistant surveyor, and the judge of the county court shall appoint an assistant surveyor of roads for each

section of road in the respective road districts. Such assistant shall take the same oath as the surveyor. He shall see that his section of road is kept clear and in good order. He shall give immediate notice to the surveyor if any part of his section shall get out of order, when it shall be the duty of the surveyor to give such section his immediate attention and put same in order. If he shall be engaged on other portions of road, he shall direct his assistant to discharge the duties of surveyor and to repair same. He shall report the time of service of the assistant surveyor to court, who shall receive the same rate of compensation as the surveyor.

Surveyor, duty of.

§ 17. The surveyor shall annually ascertain the aggregate amount of the road tax in his district for that year, and make a careful estimate of the average ratio of money per mile for each mile of road in his district, after deducting fifteen per centum therefrom, estimated cost of collection and delinquents; and he shall not expend on any section of road more than the average ratio per mile of said tax while any other section not having received its ratio shall be out of order, unless directed by the court.

Duty of.

§ 18. It shall be the duty of the road surveyor to superintend the roads in his district, and see that they are cleared and kept in good order. He shall keep same well ditched on one or both sides, and the dirt well thrown up in the center, and make proper water drains for conveying the water off the road. He shall pay particular attention to reducing grades and elevating depressions in the road, and where the road fund will allow of it he shall gravel or metal the worst portions first of the main thoroughfares traveled most by the public. He shall make and keep an inventory of all tools, implements and property belonging to his district, and see that they are kept under shelter when not in use, and shall turn said property over to his successor at the expiration of his term, or as the court shall direct, and take a

receipt therefor, to be filed with the settlement of his accounts. He shall make a correct entry, in a book to be provided for the purpose, at the close of each day he shall work on the roads, of the exact time he shall have been engaged thereon, and of each hand and team, and shall make and file at each monthly term of the county court a full and accurate statement of the whole time he and each employe and team have labored upon the roads, of his district and on each section, and the cost thereof on each section during the preceding month, with the cost of each item of labor. Said report shall be approved by the court if correct, or corrected and approved and noted of record.

§ 19. It shall be the duty of the judge of the county court to examine and approve, if correct, and allow <sup>Duty of county judge.</sup> the accounts of each surveyor in his county. He shall cause the clerk to make out a certificate of the allowance of the reported claims of the road surveyor in each district, itemizing the amounts due each person or employe, and the judge of the court shall sign and indorse same, and when so indorsed the account shall be paid by the county treasurer of road tax to the surveyor of each respective road district out of the tax fund belonging to each district respectively: *Provided*, It shall be the duty of the county judge to cause said certificate to embrace an allowance in favor of each surveyor or assistant surveyor a sum equal to one dollar and fifty cents for each day's service for which his accounts have been allowed: *Provided*, The court of claims shall have power to fix the compensation of surveyors of roads, road employes and teams, by rule in any sum such court shall deem just and proper.

§ 20. Each surveyor of roads shall forthwith pay over to each employe or person, for whose benefit his accounts have been allowed and paid, the sums due each and take their receipts therefor. For every fail <sup>Fine.</sup> ure to so pay over, the surveyor shall be fined ten

dollars, and he and his sureties shall be liable to actions on his bond in favor of any person aggrieved by a failure to comply with the provisions of this section in any court of competent jurisdiction for all damages suffered by reason of a violation thereof.

Punishment.

§ 21. If any surveyor or assistant surveyor of roads shall willfully make any false or fraudulent statement of the time of his service or of the time of any employes' service on the road, or shall make any willfully false statement in any report to the court required by this act, he shall be deemed guilty of perjury, and punished on indictment in the circuit court by confinement in the penitentiary for a term not less than one year nor more than three years for each offense; and he and his sureties shall be liable to actions on his bond in the name of the Commonwealth for the use of the road district in the courts of civil common law jurisdiction for all damages sustained by reason thereof.

Not allowed to resign.

§ 22. No road surveyor shall be allowed to resign without permission of the county court, nor until he has settled his accounts as such. He shall be subject to the penalties prescribed in section forty-two of article one, chapter ninety-four, General Statutes, for failing to perform his duty.

Duty of assessor.

§ 23. It shall be the duty of the assessor of taxes to return with each tax list the number of the road district the person listed resides in. He shall list all the property of each road tithable in the district of his residence, and the tax shall be paid in that district although the property may be located partly in another district. For each failure to comply with the requirements of this section the assessor and assistant assessor so failing shall forfeit and pay to the use of the road district with respect to which such failure shall occur, the sum of ten dollars for each and every offense, to be recovered by indictment in the circuit court.

§ 24. The road tax levied and collected in each dis



trict shall be kept separate, and no part of the tax Tax to be kept separate. collected in one district shall be expended on the roads of any other district, or for any other purpose than paying the cost of the maintenance of the public roads in the district where collected.

§ 25. The sheriff, by virtue of his office, shall be col- Sheriff, duty of. lector of the road tax in his county. He shall, at the term of the court when the road tax is levied, or at any subsequent term before he proceeds to collect the tax, execute before the county court a bond payable to the Commonwealth of Kentucky with one or more sureties, whose aggregate estate, subject to execution after the payment of all their debts and liabilities, shall be equal to double the amount of the whole road tax ordered to be collected, in form substantially as follows: We, A B, sheriff of ——— county, and C D, Bond, form of. his surety, jointly and severally bind and oblige ourselves to the Commonwealth of Kentucky that the said A B shall well and truly collect, account for and pay over to the persons entitled to receive the same, according to law, the district road tax assessed and levied in each road district in the county of ——— for the year ———, and that he shall, when called upon by the county court, settle his accounts and pay over the amount of the road tax in his hands belonging to each road district in said county, and that the said A B shall in all things well and truly perform the duties of collector of road tax in each road district of said county. Witness our signatures the ——— day of ———. Which said bond shall be attested by the clerk of the county court, and recorded in his office. Said bond may be sued on in the name of the Commonwealth for the use of any road district or person aggrieved by a violation of the same.

§ 26. If the sheriff shall fail to give such bond when Office forfeited, when. required by the court, he shall forfeit and vacate his office of sheriff; and in such case the county court shall appoint a collector of the road tax for each road district, who shall give bond with surety in such form

suited to the occasion as is prescribed herein, and whose powers and liabilities shall be the same as those of the sheriff acting as such.

Deputies.

§ 27. The sheriff, when he qualifies as collector of the road tax, with the consent of the court, may appoint one or more deputies, and he and his sureties shall be liable for their acts as such, and their liabilities to him shall be the same as the liabilities of deputy sheriffs to their principals.

List to be delivered.

§ 28. The clerk of the county court shall, on or before the first day of February in each year, deliver to such sheriff or collector a list of the persons chargeable with the payment of road tax in each respective road district, and the sum to be paid by each. The sheriff or collector shall immediately proceed to collect from the persons chargeable with road tax the amount due, and shall have the same powers with the same duties and responsibilities, and receive the same commissions given and allowed the collectors of the public revenue by article fourteen, chapter ninety-two of the General Statutes, and shall pay the same over in obedience to the requirements of this act.

Penalty.

§ 29. If the clerk of said court fail to perform the duties required of him by this act, he shall forfeit and pay for the use of the road district with respect to which such failure shall exist, the sum of thirty dollars for each offense, to be recovered by indictment in the circuit court or by motion in the county court of his county, and shall, in addition, be liable on his bond to civil actions in the name of the Commonwealth for the use of each road district, respectively, for all damages sustained by reason thereof.

To report on oath.

§ 30. The sheriff or collector of the road tax shall proceed to collect same as soon as it is due, and shall make and file in the county court at each monthly term thereof a statement, on oath, of the whole amount of road tax collected, and in his hands, due each respective road district, and shall pay

over said amounts each month to the county treasurer of road tax, and take separate receipts from the treasurer therefor. He shall have all of said tax collected, and make final settlement of all the tax listed and placed in his hands, by the first day in December in each year.

§ 31. The county court shall, in the month of Settlement. December in each year, and oftener, if advisable, cause a settlement of the sheriff or collector's road tax accounts to be made and reported to court. He shall appoint a competent person as commissioner to make said settlement, which shall be filed in court, and if approved, shall be entered at large on the order book. The court shall make a reasonable allowance to said commissioner for his services.

§ 32. If the sheriff or collector of road tax shall Forfeiture and penalty. fail to comply with any of the duties required of him by the last two preceding sections of this act, he shall forfeit and pay for the use of the road districts respectively affected thereby, the sum of fifty dollars for each failure to make each monthly report and pay over the amount of tax collected as required by the provisions of this act, to be recovered by indictment in the circuit court of his county, and shall, in addition, be liable on his road tax bond in the name of the Commonwealth, for the use of each road district, for all damages sustained by reason thereof.

§ 33. The sheriff or collector of the road tax may Delinquent list. be allowed, at the county court in January, in the manner that the sheriff is required to do in relation to the return of his delinquent list of the public revenue, return to the county court a statement on oath of all delinquents in the payment of the road tax, and he shall, for all such as are allowed by the court, be credited in his settlement.

§ 34. As soon as the collector of the road tax has Duty of clerk. returned a delinquent list of the road tax, it shall be the duty of the clerk of the county court to make out and deliver to the road surveyor in each road district

a list of the delinquents in payment of the road tax in his district, with a statement of the amount of tax due by each.

§ 35. The county court clerk shall also deliver to the surveyor of roads in each district, a list of the delinquents in the payment of the county levy in such district in each year, as soon as the collector of the county levy has returned such lists to the court.

Surveyor to warn  
out the delin-  
quents.

§ 36. The surveyor of roads shall warn out the delinquents returned by the collector of the road tax and the collector of the county levy, to work out their said delinquent tax lists on the road section nearest to their respective residences, or cause same done by the assistant surveyor in each section, notifying each of the amount of taxes due, and of the time and place of meeting, and may so require them to work not more than two days in each week until said taxes have been paid. When so warned each delinquent shall attend with proper tools and work out his road tax and his county levy tax at the rate of one dollar per day for each day's work of eight hours under the supervision of the surveyor. Each road or county levy tithable who shall fail to attend at the time and place required by the surveyor, after two days' written or verbal notice from the surveyor or some one authorized by him, and discharge his delinquent road tax and delinquent county levy tax, shall be deemed guilty of a misdemeanor and fined the sum of two dollars for each day he shall fail to attend and work on the road. Said fine may be recovered by warrant in the name of the Commonwealth of Kentucky in any court of competent jurisdiction. A *capias profine* shall be issued forthwith on each judgment for such fines, unless same shall be promptly paid or replevied: *Provided*, That such delinquent may pay to the road surveyor the amount of such taxes, with ten per centum thereon, at any time before he causes a warrant to issue, and be discharged of said tax. A wrongful assessment or levy or payment

Fine.

may be shown in bar of such prosecution; and want of notice or the existence of actual disability at the time required to labor shall be cause for the abatement of the writ, but the party may be again notified and proceeded against as in the first instance until the said taxes have been satisfied.

§ 37. If the fines imposed under the provisions of this act are not paid or replevied, the defendant therein shall be placed under arrest by the sheriff, constable or other ministerial officer, and placed in charge of the road surveyor in the road district where the fine has been assessed, and the surveyor shall require him to work out his fine on the public roads at the rate of one dollar per day of eight hours' labor. If such culprit shall escape or refuse to labor, he shall be rearrested and taken before a magistrate, tried and fined for said offense a sum double the amount of the sum for which he stood charged by the first judgment, and shall be confined in the county jail or county work-house, if there be one in the county, at hard labor until such fine is discharged, at the rate of one dollar per day. Road surveyors shall provide food and lodging for persons convicted to work out fines under this act, for which he shall be allowed reasonable compensation in his accounts to be allowed by the county court.

§ 38. All fines collected under this act shall be paid over to the road surveyor of the road district where same shall be adjudged, and shall be expended on the roads in said district and accounted for by the surveyor in the settlement of his accounts.

§ 39. The judge of the county court shall, at the January term of said court in one thousand eight hundred and ninety-one, and at said term every two years thereafter, appoint a suitable person county treasurer of road tax, who shall serve for the term of two years, and until his successor qualifies. Said court shall have power to fill vacancies at any time for any por-

Bond

tion of an unexpired term. Before entering upon the duties of treasurer, he shall be required to take an oath that he will well and faithfully discharge the duties of treasurer of road tax according to law, and shall execute before the county court an obligation, with one or more sureties, whose aggregate estate, subject to execution after the payment of all their debts and liabilities, shall be equal to double the amount of the whole tax ordered to be collected in each road district in his county, in form substantially as follows: We, A B, treasurer of road tax in \_\_\_\_\_ county, and C D, his surety, jointly and severally bind and oblige ourselves to the Commonwealth of Kentucky, that the said A B, treasurer, shall well and faithfully discharge the duties of treasurer of road tax in said county, and will safely keep all moneys that shall come to his hands as treasurer of road tax, and will keep full and accurate accounts with each road district, separately, of all the money paid him, and disbursed for each district, and will pay over same to the persons lawfully entitled to receive same according to law. Witness our signatures this \_\_\_\_\_ day of \_\_\_\_\_. Said bond shall be attested by the clerk of said court and recorded in his office.

§ 40. The bond of the treasurer of road tax may be sued on in the name of the Commonwealth for the use of any road district or person aggrieved by a violation of the same.

Duty of treasurer.

§ 41. The treasurer of road tax shall keep his office at the county seat. He may deposit the road tax in some convenient bank to be designated by the judge of the county court for safe keeping. He shall keep a separate account with each road district and be prepared to exhibit a statement of the balances of such account at any time the court may require same. He shall not pay out any money except upon the order of the county judge. He shall pay off and take up all certificates for the payment of money when same shall be indorsed by the signature of the

judge of the county court, and shall cause the payee to receipt upon such certificate for such payment. He shall settle his accounts as treasurer and pay over all moneys in his hands as the court shall direct. The treasurer shall be allowed as commissions for his services a reasonable compensation, to be fixed by the court of claims and deducted from the moneys paid into his hands as treasurer, not exceeding five per centum on the whole amount of money disbursed and paid out by him.

§ 42. The salaries and wages of road surveyors and road employes, and all road claims for labor on the public roads shall be exempt from attachment or garnishment for any debt. Salaries and wages.

§ 43. Road orders and road claims, payable out of any road tax fund, shall not be assignable, and every assignment, transfer or pledge of any such claim shall be void. Claims not assignable.

§ 44. It shall be the duty of the county court in each county to require the present surveyor of roads in each road precinct, to ascertain and report to the court on or before the first day of September, one thousand eight hundred and ninety, the exact length of the road over which he is surveyor. If any road surveyor shall fail or refuse to make said report by the first day of September, one thousand eight hundred and ninety, he being required by the court to do so, shall be fined the sum of ten dollars for such failure by the judge of the county court, and one dollar for each day he shall fail to make said report after the first day of September. Surveyor] to report.

§ 45. The clerk of the county court shall procure a suitable record book for each road district created by this act in his county. He shall number each road district hereby created, and record the number thereof in the front of each of said books, and shall record therein a brief description of each established road in his county, stating the beginning and terminal points thereof, and shall carefully number each as Record book.

sections of roads in each respective district separately, beginning the numbering at one side of a district the first number, and number consecutively as they shall lie next to each other, and state the length of each section in miles and fractions thereof. He shall deliver the book belonging to each road district to the respective surveyors thereof, and take the receipt of the surveyor for same, who, and his successors, shall safely keep said record books for the use of their respective road districts. Each new road thereafter established shall be recorded in said books and numbered as sections with the length thereof, by the clerk of the county court.

Bonds, how  
taken.

§ 46. Every bond required to be executed by this act, shall be taken by the judge of the county court, and he and his sureties on his official bond shall be liable to civil actions on said bond in the name of the Commonwealth, for the use of any road district or person suffering damages by reason of his failure to require good and sufficient surety therein, according to the provisions of this act, for all damages sustained by reason thereof.

Clerk's allow-  
ance.

§ 47. The county judge shall make the clerk a reasonable allowance for the services required of him by this act, to be paid out of the county levy.

§ 48. This act, except the first section thereof, shall take effect and be in force from and after its passage. The first section thereof, shall take effect from and after the first day of June, one thousand eight hundred and ninety one.

Approved April 11, 1890.



## CHAPTER 739.

AN ACT to amend article one of chapter forty-seven of the General Statutes, entitled "Gaming."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person or persons to play, take part or participate in the game <sup>Oontz, craps and games with dice unlawful.</sup> or games commonly known as oontz or craps, or any game or games played with dice or other similar contrivance, wherein, whereby, or upon the result of which any money or other thing of value is bet, waged, won or lost in anywise whatever.

§ 2. Any person violating the provisions of the preceding section shall be guilty of a misdemeanor, and upon conviction in a circuit or other court of competent jurisdiction shall be fined not less than fifty dollars nor more than one hundred dollars, or confined in the county jail not more than three months, or both, at the discretion of the jury. <sup>Fine and imprisonment.</sup>

§ 3. Any person who shall set up, keep, manage or operate, or assist in setting up, keeping, managing or operating any such game or contrivance as is described in section one of this act, whereby, or wherein, others are permitted to, or do engage in such game, shall be deemed guilty of a felony, and upon conviction shall be confined in the penitentiary not less than one year nor more than three years; shall be deemed infamous after conviction, and be forever thereafter disqualified from exercising the right of suffrage, and from holding any office of honor, trust or profit, whether it be state, county, city or municipal. The judgment of conviction in every case shall recite such infamy and disqualification, and shall not be valid without such recital. The provisions of this section shall not include nor be applicable to persons who play in such games unless they take part in setting up, keeping, managing or operating, or assist in setting up, keeping, managing or operating such game. <sup>Felony to set up, keep, manage, etc.</sup>

§ 4. The change of the name of the game, machine or contrivance mentioned in this act, shall not prevent the conviction of any person violating the provisions thereof.

Limitation.

§ 5. Prosecutions for violations of this act may be had within five years after the commission of the offense, but not later.

§ 6. All acts or parts of acts in conflict with this act are hereby repealed.

§ 7. This act shall take effect from and after its passage.

Approved April 11, 1890.

## CHAPTER 748.

AN ACT to amend an act to regulate public grain warehouses in this Commonwealth, approved April twenty-eight, one thousand eight hundred and eighty.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Sections 10, 11  
and 12 amended.

§ 1. That sections ten, eleven and twelve of the act to regulate public grain warehouses in this Commonwealth, approved April twenty-eighth, one thousand eight hundred and eighty, be, and the same are hereby, repealed, except as hereinafter provided, and the following sections are substituted in lieu thereof, and to be numbered respectively as the former sections, to wit:

To post state-  
ment.

§ 10. Each grain warehouseman shall, on every Tuesday, post in his office a statement of the amount of each kind and grade of grain on store in his warehouse at the close of business hours of the preceding Saturday, and a statement of the receipts and deliveries, and of the issue and cancellation of receipts of the week ending with such Saturday.

Inspector and  
weigher.

§ 11. Each grain warehouseman may appoint an inspector and weigher for his warehouse, who shall

file a bond in the county clerk's office with good sureties, to be approved by the court, conditioned for the faithful performance of his duty as such inspector and weigher, on which bond suit may be brought by any person injured by the violation of such duties; but any warehouseman may become and be his own inspector and weigher, in which event his bond as warehouseman shall embrace a condition for the faithful performance of his duties, not only as warehouseman but also as inspector and weigher, and any person injured by any violation of any of such duties shall likewise have the right to sue upon said bond.

§ 12. Every such warehouseman shall, on the first Monday in each month, publish his rates of storage and charges for inspection, weighings, receipts and deliveries by posting them in his office, but as to any grain previously received in said warehouse no subsequent change of rates of charges shall apply.

§ 2. This act shall be in force from and after its passage, but shall not apply to warehouses within the corporate limits of the city of Louisville.

Approved April 11, 1890.

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## CHAPTER 758.

AN ACT to amend section five of chapter seventy-nine, General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section five of chapter seventy-nine of the General Statutes be, and the same is hereby, so amended that the word "first," in the second line thereof, be stricken out and the word "third" substituted therefor.

§ 2. That this act shall take effect from its passage.

Approved April 15, 1890.

## CHAPTER 764.

AN ACT to amend article twenty six, chapter twenty-nine of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That article twenty-six, chapter twenty-nine of the General Statutes, be amended by adding thereto the following as section ten: If any person for profit, sport or gain shall engage in what is commonly known as turkey shooting, or shall keep or occupy any place used for such shooting, or furnish any turkey or turkeys to be so shot at, or engage therein, he shall be fined not less than ten dollars nor more than fifty dollars.

§ 2. This act shall apply only to the county of McCracken, and take effect from its passage.

Approved April 15, 1890.

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## CHAPTER 766.

AN ACT to amend section five, article two, chapter forty-five, in reference to fugitives from justice, General Statutes.

WHEREAS, It often occurs that a fugitive from justice is arrested and conveyed back to the county in which he is indicted and where he has escaped jail, and on arriving at such point the jail is found to be unsafe, or there exists against the fugitive such prejudice that its either unsafe to leave him there to be rescued by mob or by friends and again set at liberty, and it is therefore necessary to have an order made and reconvey the prisoner hundreds of miles to a jail for safe keeping, when, if the law authorized it, the Governor could have directed in his proclamation of the reward that said prisoner be delivered to some

safe jail, and thereby save the extra expense, and not expose the prisoner to mob violence, etc.; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section five, article two, chapter forty-five of the General Statutes, and amendments thereto, be, <sup>Governor to designate jail</sup> and the same is, amended so that hereafter when the Governor of this Commonwealth offers a reward for the apprehension of a fugitive from justice, he shall, in his proclamation, designate the jail to which said prisoner shall be delivered, and it need not be the jail of the county located in the county in which the fugitive stands indicted, but any jail in the State that the Governor considers safe, and from which escape is impossible, and in which the fugitive will be secure from rescue by friends or a mob.

§ 2. That the officer or agent making the arrest and delivery of the fugitive and entitled to the reward, <sup>Arresting officer, how paid,</sup> shall only receive pay for conveying the prisoner from place of apprehension to said jail indicated by the Governor in his proclamation at the rate now allowed by law.

§ 3. That on arriving at the place indicated by the Governor, said prisoner shall be taken by the officer or agent having the prisoner in charge before some peace officer, whose duty it shall be to issue a mittimus to the jailer to receive and safely keep the prisoner until discharged by due course of law.

§ 4. That this act shall take effect from its passage.

Approved April 15, 1890.

## CHAPTER 769.

AN ACT to amend article five, chapter twenty-eight, General Statutes, titled "Courts."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That article five of chapter twenty-eight of the General Statutes, be amended as follows: The terms of the quarterly court in Graves county shall begin on the first Monday in March, June, September and December of each year, and continue as many days as may be necessary to attend to this business.

§ 2. This act shall take effect from and after its passage.

Approved April 15, 1890.

## CHAPTER 776.

AN ACT to fix the compensation of Commonwealth's Attorneys.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That each Commonwealth's Attorney shall Annual salary. receive annually a salary of twenty-five hundred dollars, payable monthly out of the Treasury, which shall be in lieu of all other compensation by the Commonwealth.

§ 2. A Commonwealth's Attorney Pro tem allow- pro tem., appointed by the court, as now provided by law, shall be ance. allowed by the court reasonable compensation, not to exceed seven dollars per day, to be paid out of the Treasury and deducted from the salary of the regular Commonwealth's Attorney.

§ 3. All acts and parts of acts inconsistent herewith, are hereby repealed.

§ 4. This act shall take effect and be in force on and after the first day of July, one thousand eight hundred and ninety.

Approved April 15, 1890.

## CHAPTER 782.

AN ACT to amend section three, article two, chapter one hundred and six of the General Statutes, so far as the same applies to Henry and Pendleton counties, etc.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section three, article two, chapter one hundred and six, of the General Statutes of Kentucky, be, and the same is hereby, amended by inserting after the word "residence" in the second line of said section these words, "or at their free ware-room, provided it is located within one mile of their distillery : " *Provided further*, The distiller shall not sell at his residence at same time ; and all laws or parts of laws in conflict herewith are repealed.

§ 2. That this act shall only apply to the counties of Henry and Pendleton, and shall take effect from its passage.

Approved April 15, 1890.

## CHAPTER 785.

AN ACT to amend an act, entitled "An act to provide for and regulate the ventilation of coal mines in this State, and for the better protection of miners," approved May tenth, one thousand eight hundred and eighty-four, and also to amend an act amendatory of said act, approved April sixth, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act amendatory of said act, approved April sixth, one thousand eight hundred and eighty-eight, be, and is hereby, amended, by adding after the word "refusing" in the eleventh and twelfth lines of section three of said amendment as published in appendix to the General Statutes, the words "or failing," and by adding after the word "refusal" in

the second line of section four of said amendment, the words "or failure."

Inspector of  
Mines.

§ 2. That section two of an act amendatory of said act, approved April six, one thousand eight hundred and eighty-eight, be, and is hereby amended, by adding thereto the following words: "And as a cumulative remedy in case of failure after notice from the inspector, of any owner, agent or superintendent to conform to the provisions of this act within the time provided by this section, any court of competent jurisdiction while in session, or the judge in vacation may, on application of the inspector, by civil action in the name of the State, enjoin or restrain, by writ of injunction, the said owner, agent or superintendent from working or operating such mine with more than five persons until it is made to conform with the provisions of this act, but before such writ of injunction shall issue the owner, agent or superintendent shall have at least three day notice of such contemplated action, and shall have the right to appear before said court, or the judge in vacation, to whom the application is made, who shall hear the same on affidavits and such other testimony as may be offered in support or in opposition thereto.

§ 3. The remedy prescribed in section two of this act to prevent the working of dangerous or unsafe mines, shall be in addition to the remedies and penalties now prescribed by law.

§ 4. This act shall take effect from its passage.

Approved April 16, 1890.



CHAPTER 789.

AN ACT to declare Elkhorn creek, in Pike county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Elkhorn creek, in Pike county, Kentucky, be, and the same is hereby, declared a navigable stream from its mouth to the county line, between Letcher and Pike counties, on said creek.

§ 2. This act shall take effect from and after its passage.

Approved April 16, 1890.

CHAPTER 790.

AN ACT to change the time of holding the Lincoln County Court from first Monday in each month to the second Monday.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the time of holding the Lincoln County Court be changed from the first Monday in each month to the second Monday in each ; and that hereafter the Lincoln County Court shall be holden on the second Monday in each month instead of the first Monday, as now provided by law.

§ 2. This act shall take effect from and after the fifteenth day of May, one thousand eight hundred and ninety.

Approved April 16, 1890

CHAPTER 799.

AN ACT to amend article thirteen, section seven, chapter twenty-eight, General Statutes, title "Courts."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section seven, article thirteen, chapter twenty-eight, of the General Statutes, be amended by

inserting in the second line of said section, after the word "January," the word "February," and after the word "April" the words "May and June;" after the word "July" the word "August," and after the word "October" the words "November and December."

§ 2. This act shall apply to the county of Gallatin only, and shall take effect and be in force from and after its passage.

Approved April 16, 1890.

## CHAPTER 811.

AN ACT in relation to the moving of traction and portable engines over and along the roads and passways of this State.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. Any person who shall move any traction engine or portable engine weighing over five thousand pounds, over or across any bridge on any public road in this State whereby such bridge is regarded as safe for the public travel, shall be liable and responsible to the county wherein such bridge or bridges are situated for all damages done to such bridge or bridges, to be recovered by action in the name of, and for the benefit of the county court in any court of competent jurisdiction.

§ 2. Any person or persons using, operating or moving any traction or portable engine on or along any public road or private passway or lane in this State that is moved in whole or in part by steam power, shall send, and keep at least two hundred yards in advance of said engine, a messenger, whose duty it shall be to warn all persons of its approach and render such assistance as shall be necessary to secure the safety of all such persons, and any person or persons failing to comply with the provisions of this sec-

tion shall be fined not less than ten nor more than fifty dollars for each offense, to be recovered by any court of competent jurisdiction.

§ 3. This act shall take effect from and after its passage.

Approved April 11, 1890.

## CHAPTER 815.

AN ACT to establish a court of common pleas in the counties of Estill, Powell, Lee, Wolfe, Breathitt and Knott.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a court of justice, to be known as the court of common pleas, is hereby established in the counties of Estill, Powell, Lee, Wolfe, Breathitt and Knott.

§ 2. The first election for judge of said court shall take place on the first Monday in August, one thousand eight hundred and ninety, and afterwards on the first Monday in August, one thousand eight hundred and ninety-two, and every six years thereafter; and said elections shall be conducted as are elections for judges of circuit courts. The judge elected shall enter upon the duties of his office as soon as he receives his commission and qualifies thereunder: and it is hereby made the duty of the sheriffs of the respective counties in said district to open a poll on said first Monday in August, one thousand eight hundred and ninety, at the several voting precincts in said district, and cause said election to be held; and all laws in reference to holding elections, comparing polls and certifying same as to the office of circuit judge, are hereby made applicable to the holding of the election of common pleas judge in said district.

§ 3. The judge of said court shall possess the same

qualifications and receive the same salary, payable in the same manner, as judges of the circuit court.

§ 4. All the provisions of sections one and two of article eight, chapter twenty-eight, General Statutes, are hereby re-enacted and made applicable to the court established by this act, and the judge thereof, in the same manner as the same are made applicable to the courts provided for in said section.

§ 5. The said judge of said court of common pleas commissioned shall be a conservator of the peace, subject to impeachment and removal from office, in the same manner as are judges of the circuit courts, and for like causes, and shall be clothed with the same powers out of court as are conferred by law upon circuit judges; may appoint examiners in any county within his jurisdiction, and grant licenses to practice law in the same manner as circuit courts.

Powers and duties.  
Practice fees, and seal.

Jurisdiction.

The same practice shall obtain and the same fees be charged as in circuit courts, and the courts for each county shall have a seal bearing its name and the device and motto of the Commonwealth. The said court of common pleas shall have original jurisdiction of all civil matters by action at law, in equity, motion or otherwise, and in all other matters and things of which the circuit courts of the Commonwealth have jurisdiction, except that said court shall not have any criminal or penal jurisdiction. Said court shall have the same appellate jurisdiction that the circuit courts of this Commonwealth have in civil actions; and traverses of writs of forcible entry and detainer, and bonds to suspend the sale of property under execution or attachment, or distress warrant or attachment for rent, shall be taken to and tried in said court in the same manner as they are now tried and disposed of in circuit courts. The sheriffs, jailers, marshals, coroners and constables of the several counties composing said district, shall perform all the duties in all actions and proceedings in said court which, by law, they would be required to perform in

Duties of sheriffs, jailers, &c.

the circuit courts of this Commonwealth, and the circuit court clerk of each county in said district shall be the clerk of said court of common pleas, and shall perform for their respective counties the clerical duties of said court, and be entitled to the same fees as they are allowed by law for similar services in circuit courts, collectable and distrainable in like manner. They shall be responsible on their official bonds Bonds. for the faithful discharge of their duties, in the same manner and to the same extent as for acts done and omitted to be done in the circuit courts, and certificates of the records of said court shall have the same force and effect as is given by law to certificates of the records of the circuit courts of the counties of said district; and the records of said court of common pleas shall have the same force and effect, and shall be evidence in all the courts of this Commonwealth in the same manner and to the same extent as records of the circuit court. The laws regulating the same, selecting and impaneling petit juries in the circuit courts of this Commonwealth shall regulate the same by selecting and impaneling juries in said court of common pleas. The Civil Code of Practice shall regulate and govern all actions and proceedings in said court of common pleas, in the same manner and to the same extent as in circuit courts; and in all actions concerning the title to real estate, orders of survey may be made and executed and paid for in the same manner as in the circuit courts. Civil Code.

§ 6. All the laws of this State in relation to the appointment of master commissioners by circuit courts, and their qualifications, duties and responsibilities, are hereby made applicable to the court created by this act. Master Commissioners.

§ 7. The said court shall have power to allow and certify to the Auditor all claims against the Treasury of the State connected with said court. To allow claims

§ 8. All the provisions of chapter twelve, General

**Change of venue.** Statutes, and the amendments thereto in regard to changes of venue, are hereby made applicable to said court.

**Vacancy.** § 9. A vacancy in the office of judge of said court shall be filled as a vacancy in the office of judge of the circuit court is now directed by law to be filled.

**Judge pro tem.** § 10. In case the judge of said court is absent, or if present, can not properly preside at any term of said court, an election for special judge shall be held in the manner prescribed by law for the election of special judges of the circuit court, and the law in relation to the election, qualification and compensation of special judges of the circuit court is hereby made to apply to this court and to special judges elected therein.

**Terms.** § 11. The regular terms of said court shall be held as follows: In the county of Estill the first Monday in June and December; in the county of Powell the fourth Monday in June and December; in the county of Lee the second Monday in January and July; in the county of Wolfe the second Monday in February and August; in the county of Breathitt the first Monday in March and September; in the county of Knott the fourth Monday in March and September; and each term shall continue as many juridical days as the business may require, so as not to conflict with any other regular term of said court. Said court shall have power to hold special terms in each of said counties for the trial of common law and equity causes, to be called in the manner provided by law relative to special terms of circuit courts, and it shall be the duty of the judge of said court to hold such special terms whenever the business of the court may require it.

**Orders to transfer cases.** § 12. It shall be the duty of the circuit court, in each county named in this act, at the first court after the passage of this act holden in said county, to make orders transferring to said court of common pleas all cases at common law and in equity on the docket of

said court, and the causes so transferred shall be entered upon the docket of said court of common pleas, and tried as if brought originally therein; and in any county in which said court of common pleas may hold a term before the regular term of the circuit court next after the passage of this act, it shall be the duty of the clerk of such circuit court to place Duty of clerk. on the docket of the common pleas court all cases then pending at law or in equity on said circuit court docket; and the judge of the court of common pleas shall take jurisdiction of, and hear and try said causes, the same as if originally brought therein, or as if they have been regularly transferred by order of the circuit court as provided for in this act.

§ 13. That all laws giving the circuit court original or appellate jurisdiction of cases at law or in equity in said counties of Estill, Powell, Lee, Wolfe, Breathitt and Knott are hereby repealed.

§ 14. This act shall take effect from its passage, and shall only continue in force until the first of September, one thousand eight hundred and ninety-two.

Approved April 16, 1890.

## CHAPTER 823.

**AN ACT** for the better protection of skilled labor and for the registration of labels, marks, names, brands or devices covering the products of such labor of associations or unions of workingmen or women.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. Every union or association of workingmen or women adopting a label, mark, name, brand, or device intending to designate the products of the labor of members of such union or association of workingmen or women, shall, in order to obtain the benefits of this act, file duplicate copies of such label, mark, name, brand or device in the office of the Secretary of State, who shall, under his hand and seal, deliver to

Label, &c., to be filed with the Secretary of State.

the party filing or registering the same, a certified copy, and a certificate of the filing thereof, for which he shall receive a fee of one dollar.

May sue for in-  
fringement.

§ 2. Every union or association of workingmen or women, adopting such label, mark, name, brand or devise, and filing the same as specified in the first section of this act, may proceed by suit in any of the courts of record in the State, to enjoin the manufacture, use, display or sale of counterfeits or colorable imitations of such labels, mark, name or device, or of goods bearing the same, and the courts having jurisdiction of the parties, shall grant an injunction restraining such wrongful manufacture, use, display or sale of such counterfeits or colorable imitations and of goods bearing the same, and shall award to the complainants such damages resulting from such wrongful manufacture, use, display or sale as may be proved, and shall require the defendant to pay to the complainants the profits derived from such wrongful manufacture, use, display or sale, or both profits and damages.

§ 3. In like manner the courts of record of this State shall, in a suit brought by a union or association of workingmen or woman, restrain by injunction, every unauthorized use or display by others of the genuine labels, marks, names, brands, or devices, registered in the manner specified in the first section of this act, in all cases where such use or display is not authorized by the owner or owners thereof, and shall award damages and profits in such cases the same as in cases of the use of counterfeited labels, marks, names, brands, or devices.

§ 4. In no case shall the certificate from the Secretary of State, obtained in conformity with the first section of this act, be assignable by the party to whom the same is issued.

§ 5. This act shall take effect from and after its passage.

Approved April 16, 1890.



## CHAPTER 840.

AN ACT to repeal an act, entitled "An act to amend an act, entitled 'An act to amend chapter ninety-four of the General Statutes,'" approved February nineteenth, one thousand eight hundred and eighty.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to amend chapter ninety-four of the General Statutes,'" approved February nineteenth, one thousand eight hundred and eighty, be, and the same is hereby repealed, in so far as the provisions thereof apply to Hopkins county.

§ 2. This act shall take effect from and after its passage.

Approved April 16, 1890.

## CHAPTER 876.

AN ACT to amend title four, chapter two, section fifty-six of the Civil Code of Practice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That title four, chapter two, section fifty-six of the Civil Code of Practice, be, and the same is amended, as follows: By inserting after the word "infants" in the first line of said section, and before the word "other" in the second line thereof, the following: "Under the age of fourteen years." Title 4, chap. 2, sec. 56, Civil Code amended.

§ 2. This act to take effect from and after its passage.

Approved April 18, 1890.

## CHAPTER 897.

AN ACT to protect passengers and steamboatmen on the Big Sandy river.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Penalty for dis-  
charging fire-  
arms.

§ 1. That it shall be unlawful for any person on board a steamer engaged in transporting passengers on the Big Sandy river to discharge fire-arms on such steamer. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction therefor, fined not less than twenty nor more than fifty dollars, or imprisoned in the county jail not less than ten nor more than thirty days, or both so fined and imprisoned in the discretion of the court or jury trying the case.

For fighting.

§ 2. Any person who engages in a fight, unless in self-defense, or raises or causes to be raised a disturbance of any kind calculated to put anyone in fear of receiving bodily harm, shall be deemed guilty of a misdemeanor, and, upon conviction, fined not less than twenty nor more than fifty dollars, and imprisoned in the county jail not less than ten nor more than thirty days.

Police power of  
officer.

§ 3. Any licensed officer on such steamer shall have power to arrest the offender forthwith, and deliver him to the nearest officer having jurisdiction, and shall have the right to summon such aid from the passengers as may be necessary to make the arrest, whose duty it shall be to obey said summons the same as if summoned by a peace officer.

§ 4. This act shall take effect from and after its passage.

Approved April 18, 1890.

CHAPTER 915.

AN ACT to change the time of holding the Carlisle County Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter the county court of Carlisle county shall be held on the second Monday of each month instead of the first Mondays, as now provided by law.

§ 2. This act shall take effect from and after its passage.

Approved April 19, 1890.

CHAPTER 917.

AN ACT to change the time of holding the county and quarterly courts in Floyd county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That from and after the passage of this act the regular sessions of the county and quarterly courts of Floyd county shall begin on the first Monday in the month instead of the second Monday as now provided by law.

§ 2. This act shall take effect from its passage.

Approved April 19, 1890.

CHAPTER 919.

AN ACT to amend section twenty-eight of the Criminal Code of Practice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section twenty-eight of the Criminal Code of Practice be amended by adding in the tenth line

Sec. 28, Criminal  
Code amended.

thereof, and just after the word "committed," the following words: "Or by any constable making the arrest;" also by adding in the eleventh line, just after the word "deputy," the following words: "Or any such constable."

§ 2. This act shall take effect from and after its passage.

Approved April 19, 1890.

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## CHAPTER 929.

AN ACT to change the time for the meeting of the Fleming County Court of Claims.

WHEREAS, The law requires the Court of Claims of Fleming county to meet annually on the fourth Monday of October; and whereas, that is the day fixed by law for the regular monthly term of the Fleming County Court; and whereas, it is impossible to transact any business in said Court of Claims on that day, and the county of Fleming is put to the expense of holding said Court of Claims for one day without transacting any business; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Terms of. § 1. That the regular annual meeting of the Court of Claims of Fleming county shall hereafter begin on Tuesday after the fourth Monday of October of each year, and continue as long as the business of the court requires it.

§ 2. This act shall take effect from its passage.

Approved April 19, 1890.

CHAPTER 958.

AN ACT for the benefit of commissioners and receivers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That where any commissioner or receiver of said Commonwealth has loaned, or may loan, any money <sup>Commissioner or receiver, powers of</sup> to any person or persons who has died, or may hereafter die, or who has made or may hereafter make a deed of trust, such commissioner or receiver may make and file a claim as any person, and file same with the trustee, commissioner, administrator or executor having the estate of the person named in charge, and may collect the same.

§ 2. This act takes effect on its passage.

Approved April 22, 1890.

CHAPTER 971.

AN ACT to repeal an act, entitled "An act to prescribe and define the jurisdiction of the Marion Circuit Court at its June term of each year."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to prescribe and define the jurisdiction of the Marion Circuit Court at its June term of each year," approved March twenty first, one thousand eight hundred and seventy, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved April 22, 1890.

## CHAPTER 972.

AN ACT changing the time of holding the county and quarterly courts in Owsley county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Terms of county  
courts in Owsley  
county.

§ 1. That the time of holding the county courts in the county of Owsley be changed from the second Monday in each month, and that hereafter the time of holding the county courts in Owsley county be on the first Monday in each month, and that the quarterly courts for said county be held on Thursday after the first Monday in January, April, July and October, and continue as long as the business of the courts require it.

§ 2. This act to take effect from its passage.

Approved April 22, 1890.

## CHAPTER 973.

AN ACT to amend chapter twenty-seven, article two, section one, General Statutes, titled "County Levy."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Sec. 1, art. 2,  
chap. 27, Gen.  
Stat., amended.

§ 1. That section one of article two, chapter twenty-seven of the General Statutes, be, and the same is hereby, amended by striking out the word "three" in the first line of said section, and inserting in lieu thereof the word "two."

§ 2. This act shall take effect from and after its passage, and shall apply only to Marshall county, Kentucky.

Approved April 22, 1890.

CHAPTER 976.

AN ACT to amend section thirty-six of chapter two of title three of the Code of Practice in Criminal Cases.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section thirty-six of chapter two of title three of the Code of Practice in Criminal Cases, be amended by adding to said section the following as subsection three: "That such peace officer with a warrant of arrest when in the actual pursuit of an offender, may cross a county line for the purpose of making the arrest, and may make the arrest in the adjoining county."

Sec. 36, chap. 2;  
title 3, Criminal  
Code amended.

§ 2. This act shall take effect from its passage.

Approved April 22, 1890.

CHAPTER 983.

AN ACT declaring North Panther creek, in Daveiss county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the stream of North Panther creek, in Daveiss county, be declared a navigable stream from the Owensboro and Leitchfield road to the mouth of said stream.

§ 2. This act shall take effect from and after its passage.

Approved April 23, 1890.

## CHAPTER 995.

AN ACT to regulate the civil jurisdiction of justices of the peace in Montgomery county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That justices of the peace in Montgomery county shall have jurisdiction, exclusive of circuit courts, but concurrent with quarterly courts, of all actions and proceedings for the recovery of money or personal property where the matter in controversy, exclusive of interest and cost, does not exceed one hundred dollars in value, and in other cases specially provided by statute.

Jurisdiction of justices in Montgomery county.

§ 2. This act shall take effect from its passage.

Approved April 22, 1890.

## CHAPTER 1036.

AN ACT to amend section six, article eight, chapter ninety-six of the General Statutes, title "Schools."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful for the patrons of any common school district to use the school-house therein for purposes of holding religious services, Sunday-school or any lawful assemblies therein: *Provided*, That in no event shall such services or assemblies be held at any time that will interfere with or disturb any school in session at said house: *And provided further*, That any parties so using same shall be responsible to the trustees for all damages they may do said house or its furniture.

Made lawful to use school houses for religious services.

§ 2. This act shall only apply to Graves county.

§ 3. This act shall take effect from and after its passage.

Approved April 24, 1890.



## CHAPTER 1039.

AN ACT to enforce the satisfaction of judgments against railroad companies.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. After an execution on a judgment against any railroad or railway companies owning or operating any railroad in this State shall be returned by the proper officer, no property found, out of which to make said execution in whole or in part, the plaintiff therein, or his assignee, may institute an equitable action against said defendant company in the circuit, common pleas or chancery court of the county in which said judgment was rendered, to place its road and property in the hands of a receiver; and the said court, upon a petition showing said return and the failure to pay said judgment upon the service of summons upon said company, they shall appoint some suitable person as receiver of said company, and as such to take possession and control of all the road and property belonging to or operated by said defendant, including all rolling stock thereof. Said receiver shall operate said road until he shall have collected a sum sufficient to pay off the said plaintiff's judgment debt and costs, and the costs of the receivership, when he shall surrender the road and property to the defendant. The said receiver shall first pay out of the earnings and receipts of the road collected by him, the necessary operating expenses, including in same what shall be necessary to keep said road in such repair that it can be safely and properly operated. The said receiver, before entering upon his duties, shall execute a bond for the faithful performance of his duties, with good and sufficient sureties, to be approved by the court.

Judgments  
against railroads,  
how enforced

§ 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 3. This act shall take effect from its passage.

Approved April 24, 1890.

## CHAPTER 1043.

AN ACT to prohibit the destruction of fish in the Kentucky river and its tributaries, and to prescribe a penalty therefor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person or persons to throw, or in any way place, or cause to be thrown or placed, any dynamite or other explosive substance in the Kentucky river, or any of its tributaries, for the purpose of catching, killing or destroying the fish in said river, or any of its tributaries, or to be present for the purpose of aiding any other person in the commission of said offense.

Dynamite in Ky.  
river.

§ 2. Any person violating the provisions of section one of this act shall be guilty of a misdemeanor, and upon conviction, shall be fined any sum not less than twenty nor more than one hundred dollars for each offense, to be recovered by indictment in the circuit court, or by warrant before any county judge, police judge or justice of the peace in the county where the offense is committed.

Penalty.

§ 3. In any prosecution for a violation of the provisions of this act it shall be no exemption for a witness, that his testimony will criminate himself, but no such testimony given by the witness shall be used against him in any prosecution except for perjury, and he shall be exempted and discharged from all liability for any violation of this act about which he testifies.

Witnesses.

§ 4. This act shall take effect from its passage, and all laws or parts of laws in conflict with this act are hereby repealed.

Approved April 24, 1890.

CHAPTER 1071.

AN ACT to regulate the employment of guards to convey prisoners from one county to another of this Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the number of guards employed in conveying prisoners from one county to another in this Commonwealth shall not exceed one for any two prisoners so conveyed, unless the county judge of the county in which the prisoner is confined, shall be satisfied by the written affidavit of the sheriff and two or more reputable citizens of the county that more guards may be necessary, and in no case shall more than three guards for any two prisoners be appointed.

§ 2. That all acts in conflict with this act are hereby repealed.

§ 3. This act to take effect from and after its passage, but is only intended to apply to cases where criminals are arrested in one county and conveyed to another for trial.

Approved April 26, 1890.

CHAPTER 1078.

AN ACT to declare Beaver creek, in Floyd county, navigable for push-boats, and to provide for the improvement of the same, and the removal of mill-dams across said stream, and for compensation to the owners of same.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Beaver creek, in Floyd county, be, and the same is hereby, declared navigable for push-boats from the mouth of said stream to the mouth of Caney, a tributary of the right fork, and to the mouth of Frasure's creek, a tributary of the left fork of said Beaver creek.

§ 2. It shall be the duty of the county court of  
Commissioners  
to be appointed. Floyd county to appoint three commissioners, who are neither directly nor indirectly interested in any mill-dam across said stream, and whose duty it shall be to negotiate with the owner of any mill dam across that part of Beaver creek named in section one of this act, which is being used for the purpose of operating a mill, and, if possible, agree with him what amount shall be paid him for the same as hereinafter provided: *Provided*, That said commissioners shall not agree upon a price which, in their opinion, is in excess of the actual value to the owner. They shall report, in writing, to the county court the name of the owner of each dam, and whether or not they agreed with the owner on the price of the same, and, if so, what amount; and, if not, what, in their opinion, is a reasonable compensation for the same; which report shall be preserved in the office of the county clerk. Said commissioners shall take an oath to faithfully and impartially perform their duties, and shall serve without compensation.

§ 3. R. H. Prichard, M. C. Spencer, E. S. Frasure,  
Cost of removing  
obstructions. John Finlayson and John May, a majority of whom may act, are hereby appointed for the purpose of, and whose duty it shall be to make an estimate of what it will cost to remove the obstructions in said stream so as to make it navigable for push-boats between the points named in section one of this act, such estimate to include the cost of the mill-dams to be removed, based upon the report of the commissioners appointed by the county court. They are also authorized to solicit and receive donations for the purpose of aiding in paying the cost of improving said stream; and when they shall have received, in cash, an amount equal to one-half of the whole estimated cost, they shall report that fact to the county court, together with their estimate of the whole cost. They shall pay said donations at such time and to such person as the county court may direct. They shall give

bond, with approved security, to the county in such amount as the court may direct, conditioned upon the faithful discharge of their duties and the proper disbursement of any and all amounts coming into their hands under the provisions of this act.

§ 4. Upon receipt of said report the county levy <sup>Tax.</sup> court may, in its discretion, levy an ad valorem tax on all the taxable property in said county, listed for State taxation, sufficient to raise an amount not exceeding the amount donated for the purpose of improving said stream, which shall be collected as other county taxes, and for which the officer collecting the same shall be liable upon his official bond.

§ 5. If the county levy court should decide not to levy said tax, then this act shall be of no further effect, and the donations received shall be returned to the persons subscribing the same; but if they should decide to levy said tax, then it shall be the duty of the county court to direct the payment to the owners of said mill dams, out of the fund raised for that purpose, the value of the same. If any of said owners failed or refused to accept the amount offered him, it shall then be the duty of the county court to cause such condemnation proceedings to be instituted as is provided by the general law of the State for condemning private property for railroad purposes. <sup>Donations, how disposed of.</sup>

§ 6. It shall also be the duty of the county court to let, at public outcry, to the lowest and best bidder, the contract for removing said mill-dams and improving said stream as herein provided; written or printed notices of which, stating time and place of letting the contract, must be posted in five conspicuous places in the county for at least thirty days. The county court shall reserve the right to reject any and all bids. The contract shall not exceed the amount available for that purpose, and if it should be for a less amount the balance shall be applied to general county purposes. <sup>Contract to be let.</sup>

Plans and specifications. § 7. The county court shall prescribe plans and specifications for the work, and the contractor shall not receive pay for the work until such plans and specifications shall have been complied with, and the work inspected and approved by the county court.

§ 8. This act shall also apply to any other tributary of the Big Sandy river in said county: *Provided*, That the county court shall, in such case, appoint commissioners other than those named in section three of this act for the duties therein designated.

§ 9. This act shall take effect from its passage.

Approved April 26, 1890.

## CHAPTER 1079.

AN ACT to repeal an act, entitled "An act to provide additional salary for the circuit judge of the tenth judicial district," approved May seventeenth, one thousand eight hundred and eighty-six.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to provide additional salary for the circuit judge of the tenth judicial district," approved May seventeenth, one thousand eight hundred and eighty-six, being chapter one thousand two hundred and two of the Acts of the General Assembly of the session of one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 28, 1890.

## CHAPTER 1095.

AN ACT to amend section ten of the Civil Code of Practice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section ten of the Civil Code of Practice be, and the same is hereby, amended as follows: The court may, in its discretion, on motion of either party, or without motion, order the transfer of an action from the ordinary to the equity docket, or from a court of purely common law to a court of purely equity jurisdiction, whenever the court, before which the action is pending, shall be of the opinion that such transfer is necessary because of the peculiar questions involved or because the case involves accounts so complicated, or such great detail of facts, as to render it impracticable for a jury to intelligently try the case. Section 10, Civil Code amended.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 29, 1890.

## CHAPTER 1096.

AN ACT prescribing the duties of fiduciaries.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful for persons or corporations holding funds in a fiduciary capacity for loan or investment, to invest same in real estate mortgage notes or bonds, or in such other interest-bearing or dividend-paying securities as are regarded by prudent business men as safe investments, and to make loans with such securities as collateral: *Provided*, That such funds shall not be loaned upon personal Powers and duties of fiduciaries.

security alone, or be invested in the bonds or securities of any railroad or other corporation, unless such railroad or other corporation has been in operation more than ten years, and during that time has not defaulted in the payment of principal or interest on its bonded debt, or in the bonds of a county, town or city, that within ten years has defaulted in the payment of the interest or principal of its bonded debt.

May sell, when,  
&c.

§ 2. That all persons or corporations holding stocks, bonds or other securities in a fiduciary capacity for loan or investment, shall have power to sell and transfer the same whenever, in the judgment of such fiduciary, such sale will benefit the trust estate, and reinvest the proceeds as in section one of this act authorized: *Provided*, That no administrator or executor shall sell any dividend-paying stocks, bonds or other security which the decedent owned at his death until so ordered by a court of general equity jurisdiction in the county where letters of administration were granted or the will recorded, and the court, or in vacation the judge thereof, may, upon the *ex-parte* petition of said fiduciary, make said order whenever it is necessary to raise funds to pay the debts of the decedent, or when said court or judge may, in his discretion, deem necessary for the protection of the estate or the interest of the beneficiary. A purchaser in good faith for value from such fiduciary shall not be bound to look to application of the proceeds of sale, nor shall a corporation in which stock held by a fiduciary is sold as herein authorized, be liable for transferring such stock on its books upon the order of such fiduciary.

§ 3. Nothing in this act shall be construed to permit a sale, investment or loan in conflict with the provisions of the will, deed or other instrument creating the trust, or under which the funds or property may be held.

§ 4. That the act approved March sixth, one thou-



sand eight hundred and eighty-four, entitled "An act to amend section nineteen, article two of chapter forty-eight of the General Statutes," and all other acts or parts of acts in conflict herewith be, and the same are hereby, repealed.

§ 5. This act shall take effect from its passage.

Approved April 29, 1890.

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## CHAPTER 1097.

AN ACT to require the lessees of railroads in this State to have the contract of lease recorded.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be the duty of any corporation, company, person or association of persons, who is now operating, or who may hereafter operate a railroad in this State under a contract of lease with any corporation, company, person or association of persons, to have said contract of lease recorded in the office of the Secretary of State and in the office of the clerk of the county court in the county in which said line of railroad or any part thereof lies, within thirty days after said contract of lease is executed, and it shall be the duty of the Secretary of State and the clerk of any county court who may be required hereunder, to record same in a proper record-book, and they shall each receive a compensation of two cents for each twenty words thereof.

Lease of railroads  
to be recorded.

§ 2. That any corporation, company or person or association of persons who shall fail or refuse to have said lease recorded within thirty days after same shall have been executed, shall, upon conviction, be fined in any sum not less than fifty dollars and not exceeding five hundred dollars, to be recovered upon indictment in the Franklin Circuit Court, or in the circuit court of any county in which said railroad

Penalty.

lies, and each thirty days said company may refuse or fail to have same recorded after the first thirty days shall have expired, shall be and is a separate offense.

§ 3. That upon the finding an indictment against  
Summons, how a corporation, company, person or association of persons, the court shall order a summons to issue thereon as is provided by the Code of Practice, and may be executed upon any ticket or freight agent in the county where the indictment is found.  
 executed.

§ 4. That this act shall take effect and be in force from and after its passage.

Approved April 29, 1890.

## CHAPTER 1099.

AN ACT regulating the sale of vinegar.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all barrels, kegs or packages in which  
Kegs, &c., of vinegar to be labeled.  
 vinegar is placed and offered for sale in this Commonwealth shall be so labeled, branded or marked as to describe the process of manufacture of the contents, and shall, on the said label, brand or mark on the outside of said barrel, keg or package state from what material the vinegar in the said barrel, keg or package is made; whether from fruit, by natural fermentation, or from malt, grain or acid.

§ 2. That any person or persons selling, or offering for sale, in this Commonwealth, any vinegar not so marked and described as in the first section of this act, and the vinegar sold, or offered for sale, does not correspond, and is not as represented by the label, mark or brand on the barrel, keg or package, then the person or persons shall be deemed guilty of a  
Penalty.  
 misdemeanor, and fined, upon conviction, not less

than twenty-five dollars and not more than one hundred dollars.

§ 3. That all police courts, and courts of justices of the peace in this Commonwealth, shall have jurisdiction of the offense named in this act.

§ 4. This act shall take effect and be in force from and after the first day of June, one thousand eight hundred and ninety.

Approved April 29, 1890.

## CHAPTER 1139.

AN ACT to prevent false timing at trotting contests in the Commonwealth of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any party acting in the capacity of official timer at any trotting race or trotting contest of any character, when the result of such race or contest shall constitute a record, to announce willfully and falsely a slower or faster time than that actually accomplished by the horse so receiving the record. False timing in trotting contests.

§ 2. For each violation of the first section of this act the party guilty, upon indictment in the circuit court of the county wherein such race or contest occurred, shall be fined a sum not greater than five hundred dollars, or imprisoned in the county jail a length of time not exceeding six months, or both so fined and imprisoned in the discretion of the jury. Penalty.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 30, 1890.

## CHAPTER 1149.

AN ACT for the benefit of the Kentucky Institute for Deaf Mutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sum of nineteen hundred and ninety-six dollars and twenty-five cents be, and the same is hereby, appropriated out of any money in the State Treasury not otherwise appropriated for the benefit of the Kentucky Institute for Deaf Mutes, to be expended by the board of commissioners of said institute for the following purposes, viz: *First.* To pay balance due on building recently erected for the mechanical department of said institute known as the shop building, three hundred dollars and thirty-nine cents (\$300.39). *Second.* To pay balance due on building recently erected for laundry purposes and removal of machinery and so forth, three hundred and twenty-six dollars and ten cents (\$326.10). *Third.* To pay balance due on corridors connecting the main buildings of said institution, one hundred and thirty dollars and fifty-five cents (\$130.55). *Fourth.* To pay balance expended on general repairs, plumbing and so forth, in girls' department, three hundred and fifteen dollars and twenty cents. *Fifth.* To pay balance expended on school building and amount necessary to complete the same, nine hundred and thirty-four dollars and one cent (\$934.01).

\$1,996.25 appropriated to K. I. for Deaf Mutes.

§ 2. This act shall take effect from and after its passage.

Approved April 30, 1890.

## CHAPTER 1166.

AN ACT to amend section thirty-two, article two of chapter thirty-nine of General Statutes, so far as the same applies to Hardin county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section thirty-two, article two of chapter thirty-nine of the General Statutes, be amended by striking therefrom the last sentence thereof, to-wit : "Nor shall any such commissioner be appointed administrator." But this act shall only apply to Hardin Applies to Hardin county only. county.

§ 2. This act shall take effect and be in force from and after its passage.

Became a law without Governor's approval, May 2, 1890.

## CHAPTER 1171.

AN ACT to change the time of holding the circuit court in the counties of Jackson and Laurel.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the time of holding the circuit court in the counties of Jackson and Laurel be, and the same is hereby, changed so that the term in the county of Jackson shall begin on the first Monday in May and November, and hold twelve judicial days; and the term in the county of Laurel shall begin on the third Monday in May and November, and hold twelve judicial days. Jackson county.  
Laurel county.

§ 2. This act shall take effect from its passage.

Approved May 2, 1890.

## CHAPTER 1173.

AN ACT to attach the county of Jackson to the common pleas court, composed of the counties of Harlan, Perry, Leslie, Laurel, Whitley, Knox and Bell.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to entitle a court of common pleas for the counties of Harlan, Perry, Leslie, Laurel, Whitley, Knox and Bell, which became a law without the signature of the Governor March thirty, one thousand eight hundred and eighty-eight, be, and the same is hereby amended, so as to include in the district established by said act the county of Jackson.

§ 2. That the term of said court in said county of Jackson shall begin on first Monday of March and October, and continue six judicial days each term.

§ 3. This act shall take effect from its passage.

Approved May 2, 1890.

## CHAPTER 1189.

AN ACT to change the time for holding the Trimble Quarterly Court and to regulate the jurisdiction thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. The terms of the Trimble County Quarterly Court shall begin on the fourth Monday in March, June, September and December of each year.

§ 2. All recognizances and processes for the terms beginning after the first day of May, one thousand eight hundred and ninety, shall be returned in accordance with the provisions of this act.

§ 3. The jurisdiction of said court shall be concurrent with justices of the peace for said county, in all

civil actions where the amount in controversy, exclusive of interest and costs, does not exceed one hundred dollars, and concurrent jurisdiction with the circuit court when the amount in controversy, exclusive of interest and costs, does not exceed two hundred dollars.

§ 4. The jurisdiction of said court as to persons, <sup>Jurisdiction as to persons.</sup> when the amount in controversy, exclusive of interest and costs, does not exceed two hundred dollars, shall be coextensive with the county, and so much of section seven hundred and ten, title sixteen, chapter one, in conflict with the provisions of this act, be, <sup>Conflicts repealed.</sup> and the same is hereby repealed.

§ 5. That this act shall take effect from and after its passage.

Approved May 3, 1890.

## CHAPTER 1223.

AN ACT to amend section seven hundred and ten, Civil Code of Practice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section seven hundred and ten of the <sup>Sec 710 amended</sup> Civil Code of Practice be amended by striking out and repealing the following part thereof, namely: "Unless the defendant or defendants all reside in one district, and there be an acting justice of the peace and an acting constable in such district."

Approved May 3, 1890.

## CHAPTER 1173.

AN ACT to attach the county of Jackson to the common pleas court, composed of the counties of Harlan, Perry, Leslie, Laurel, Whitley, Knox and Bell.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to entitle a court of common pleas for the counties of Harlan, Perry, Leslie, Laurel, Whitley, Knox and Bell, which became a law without the signature of the Governor March thirty, one thousand eight hundred and eighty-eight, be, and the same is hereby amended, so as to include in the district established by said act the county of Jackson.

§ 2. That the term of said court in said county of Jackson shall begin on first Monday of March and October, and continue six judicial days each term.

§ 3. This act shall take effect from its passage.

Approved May 2, 1890.

## CHAPTER 1180.

AN ACT to change the time for holding the Trimble Quarterly Court and to regulate the jurisdiction thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. The terms of the Trimble County Quarterly Court shall begin on the fourth Monday in March, June, September and December of each year.

§ 2. All recognizances and processes for the terms beginning after the first day of May, one thousand eight hundred and ninety, shall be returned in accordance with the provisions of this act.

§ 3. The jurisdiction of said court shall be concurrent with justices of the peace for said county, in all



civil actions where the amount in controversy, exclusive of interest and costs, does not exceed one hundred dollars, and concurrent jurisdiction with the circuit court when the amount in controversy, exclusive of interest and costs, does not exceed two hundred dollars.

§ 4. The jurisdiction of said court as to persons, <sup>Jurisdiction as to persons.</sup> when the amount in controversy, exclusive of interest and costs, does not exceed two hundred dollars, shall be coextensive with the county, and so much of section seven hundred and ten, title sixteen, chapter one, in conflict with the provisions of this act, be, <sup>Conflicts repealed.</sup> and the same is hereby repealed.

§ 5. That this act shall take effect from and after its passage.

Approved May 3, 1890.

## CHAPTER 1223.

AN ACT to amend section seven hundred and ten, Civil Code of Practice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section seven hundred and ten of the <sup>Sec 710 amended</sup> Civil Code of Practice be amended by striking out and repealing the following part thereof, namely: "Unless the defendant or defendants all reside in one district, and there be an acting justice of the peace and an acting constable in such district."

Approved May 3, 1890.

## CHAPTER 1237.

AN ACT to call a convention to adopt, amend or change the Constitution of the State of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That a convention be, and the same is hereby,  
Convention called. called for the purpose of re-adopting, amending or  
Where and when held. changing the Constitution of this State, to be held  
 in the city of Frankfort, the Capital of the State,  
 commencing on the second Monday in September,  
 one thousand eight hundred and ninety, and con-  
 tinuing from day to day till the business thereof be  
 completed, with power to adjourn and re-assemble  
 at such times as it may deem proper. Said conven-  
 tion shall consist of as many members as there are  
 of the House of Representatives and no more, who  
 shall have the qualifications of an elector for Repre-  
Members, how appointed. sentative. Said members shall be apportioned  
 among the several counties of the State, in the same  
 manner and proportion that Representatives now are  
 by the law as it now exists.

§ 2. That it shall be the duty of the sheriff and  
Duty of sheriff and other officers. other returning officers, at the election to be held on  
 the first Monday in August, one thousand eight hun-  
 dred and ninety, to open a poll at their several places  
 of voting for delegate to said convention, and all citi-  
 zens entitled to vote for Representative shall have the  
 right to vote for delegate.

§ 3. That the sheriffs, judges and clerks of the  
 county courts of the several counties shall, upon  
 comparison and count of the votes, within ten days  
 after the election of delegates to said convention,  
 deliver to each person who shall have been elected a  
Certificate of election. delegate a certificate of his election as such ; and they  
 shall, within twenty days after said election, transmit  
 a copy thereof to the Secretary of State, which cer-  
 tificate shall be in the following form, namely : "Be

it known to all whom these presents shall come, that we, ———, sheriff, and ———, judge of the county court, and ———, clerk of the county court of ——— county, by an election held on the first Monday in August, one thousand eight hundred and ninety, by the electors of said county, qualified according to law, caused to be chosen ——— for said county, to represent the same in the convention to be held in the city of Frankfort on the second Monday in September, one thousand eight hundred and ninety, for the purpose of re-adopting, amending or changing the Constitution of this State. Given under our hands this, the ——— day of ———, one thousand eight hundred and ninety :” *Provided*, That in case of the <sup>Vacancy.</sup> resignation, inability to serve, or death of any member who may be elected a delegate to said convention the Governor shall, upon information, issue a writ of election to the sheriff of the county where said vacancy may occur, directing and authorizing him to hold an election in ten days after the receipt of said writ to fill any vacancy so occurring.

§ 4. The convention when assembled, after taking the oath of office as prescribed by the Constitution, shall elect one of their number president, and may elect a secretary, assistant secretary, printer, stenographer and assistants, and such other officers and employes as they may deem necessary and proper. The delegates shall receive as compensation the same allowance per diem and mileage as is now allowed by law to members of the House of Representatives, but shall not be paid for any recess longer than five days at one time. The president, officers and employes shall receive as compensation such as may be fixed by said convention. The compensation to the delegates, president, officers, et cetera, shall be paid by the Auditor and Treasurer in the same manner as now provided by law concerning the pay of members, officers, et cetera, of the House of Representatives. <sup>Officers of convention.</sup> <sup>Compensation of delegates and officers.</sup>

§ 5. That the sheriff and other officers of the elec-

Liability of sheriff and other officers.

tion shall be liable to all such fines and penalties for failing to discharge the several duties imposed by this act as are now imposed upon them by law for a failure to perform their duty in conducting other general elections ; and all persons who shall be found guilty of casting illegal votes for delegates shall be liable, upon conviction, to all the fines and penalties now provided by law for illegal voting.

Illegal voters and penalty.

When two or more counties vote together.

§ 6. That when two or more counties vote together in the election of a delegate, the sheriffs of said counties, after the votes of each county shall have been compared and counted in the manner and by the officers hereinbefore provided for, shall meet at the court-house of the county polling the largest number of votes, within ten days after the comparison and counting in each county, and said sheriffs shall then compare the returns from said counties, and shall jointly give the certificate hereinbefore described to the delegate elected.

Laws governing officers of election.

§ 7. The said sheriffs, county judges and county clerks shall be governed by the said laws now in force regarding the comparison of the polls for Representatives.

May print debates, etc.

§ 8. The said convention, when assembled, shall have authority to cause to be printed, at the cost of the State, all such of its debates and proceedings as it may deem proper, and it shall be the duty of the State Librarian to furnish a hall for the meeting of said convention, and all such committee rooms as the business of the convention may require, and each member of said convention shall be allowed the sum of twenty-five dollars for stationery, to be paid as herein provided for as to other allowances for them.

Librarian to provide hall, etc.

Stationery.

Contested seats.

§ 9. In case the right to a seat in said convention, by any delegate who holds a certificate of election, is contested, said convention shall decide such contest, and testimony shall be taken in the same manner and the same proceedings had as in case of a contest as to the seat of a Representative ; and in case of a tie-

In case of tie.

the Governor shall issue a writ of election as provided for herein in case of a vacancy.

§ 10. That before any Constitution agreed upon by said convention shall take effect or become operative, the same shall be submitted to the qualified voters of this Commonwealth, after at least ninety days notice, and ratified by a majority of those voting.

New Constitution to be submitted to voters.

§ 11. This act shall take effect from and after its passage.

Approved May 8, 1890.

## CHAPTER 1250.

AN ACT to change the time of holding the quarterly court in Caldwell county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the quarterly courts in and for Caldwell county shall hereafter commence on the first Monday in July, October, January and April of each year, and continue as long as the business before it may require, and all acts or parts of acts in conflict with this act are hereby repealed.

§ 2. This act shall take effect and be in force from and after the first day of May, one thousand eight hundred and ninety.

Approved May 8, 1890.

## CHAPTER 1290.

AN ACT to amend an act, entitled "An act to further amend an act, entitled 'An act to amend and reduce into one the several acts organizing and regulating the lunatic asylums of this State,'" approved March twentieth, one thousand eight hundred and seventy-six, approved May twelfth, one thousand eight hundred and eighty-four.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to further amend an act, entitled 'An act to amend and reduce into one-

## CHAPTER 1334.

AN ACT to amend section five of chapter seventy of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section five of chapter seventy of the General Statutes, be, and the same is, repealed, and therefor the following is substituted: "If the labor performed or materials furnished shall not be performed or furnished by contract with the owner or lessee, but for a contractor or sub-contractor, no lien shall attach in favor of such laborer or material man therefor, unless written notice that a lien will be claimed, stating the amount of the claim, be given to the owner within thirty days after ceasing to labor or furnish materials. If thereupon the owner shall fail to pay such claim, the property shall be in lien for the amount he ought to pay, as prescribed in the first section of this chapter, not exceeding, however, the amount of the owner's original contract. But the liens authorized by this chapter shall not attach, if security shall have been taken for the labor performed or materials furnished."

Section repealed.  
Applies to Kenton and Campbell counties only.

§ 2. This act shall be in force from its passage, but shall apply only to Kenton and Campbell counties.

Approved May 9, 1890.

## CHAPTER 1335.

AN ACT to add Morgan county to the court of common pleas district composed of the counties of Estill, Powell, Lee, Wolfe, Breathitt and Knott, and fix a time for holding the common pleas court therein.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county of Morgan be added to the court of common pleas district composed of the coun-

Morgan county added.

ties of Estill, Powell, Lee, Wolfe, Breathitt and Knott, and the terms of common pleas court in said <sup>Terms.</sup> county of Morgan shall commence on the third Mondays in April and October in each year, and continue twelve judicial days at each term.

§ 2. That the provisions of the act establishing the court of common pleas district composed of the counties of Estill, Powell, Lee, Wolfe, Breathitt and Knott, approved April sixteenth, one thousand eight hundred and ninety, shall apply to said county of Morgan, and have the same effect as if said county had been included in said original act.

§ 3. This act shall take effect from its passage.

Approved May 9, 1890.

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## CHAPTER 1343.

AN ACT to attach Owsley county to the seventeenth Senatorial district.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county of Owsley be taken from the thirty-fourth Senatorial district and attached to the seventeenth Senatorial district.

§ 2. That this act shall take effect from and after its passage.

Approved May 9, 1890.

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## CHAPTER 1366.

AN ACT to dispose of the stock owned by the State of Kentucky in the Springfield and Bardstown Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be lawful, and it is hereby, made the duty of the Auditor of the State of Kentucky, in person or by his authorized agent or proxy, to vote the stock owned by the State of Kentucky in the <sup>Auditor to vote State stock.</sup>

Conditions.

Springfield and Bardstown Turnpike Road Company, in any meeting of the stockholders of said company, in favor of selling to the county court of Washington county, or leasing the same to said court, for any term of years that may be agreed upon, all that part of the turnpike from Springfield to Bardstown owned by said company that is in Washington county, on condition that said county court will take charge of said portion of said road, and will maintain the same as a free turnpike, that is to say, without any toll being charged for travel thereon in Washington county.

Auditor to transfer stock.

§ 2. When said county court shall have established free turnpikes in said county, as is contemplated and provided in an act of the General Assembly that may be passed at the present session, it shall be the duty of the said Auditor in the name of the State of Kentucky, to transfer to the Washington County Court one-half of the State's stock in said company, on the condition that said county court will maintain all that part of said road in Washington county as free for travel.

Organization in Nelson county.

§ 3. After such sale or lease shall have been made as herein provided, it shall be lawful for the stockholders of said company, other than those residing in Washington county, to reorganize said company by electing from their number all officers as required by the charter of said company, and continue the organization in Nelson county, and maintain said road in Nelson county in all respects as though said portion in Washington county had not been detached.

Auditor to transfer stock.

§ 4. The said Auditor is hereby authorized to transfer to the Nelson County Court the remainder of the State stock in said road, on such terms and conditions as may be agreed on after the agreement with the Washington County Court as hereinbefore provided has been made.

§ 5. This act shall take effect and be in force from and after its passage.

[Became a law May 9, 1890, without approval of Governor.]



## CHAPTER 1370.

AN ACT to repeal an act, entitled "An act to amend an act, entitled 'An act to further regulate the retail traffic in spirituous, vinous and malt liquors and nostrums used as a beverage,'" approved April twenty-six, one thousand eight hundred and eighty-six.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to amend an act, Act repealed. entitled 'An act to regulate the retail traffic in spirituous, vinous and malt liquors and nostrums used as a beverage,' " approved April twenty-six, one thousand eight hundred and eighty-six, be, and the same is hereby, repealed.

§ 2. This act shall be in force from its passage.

Became a law May 10, 1890, without the Governor's approval.

## CHAPTER 1387.

AN ACT to amend chapter seventy-three, section fifteen, General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That chapter seventy-three, section fifteen of the General Statutes, be amended as follows: Strike out of said section these words: "In their discretion, not exceeding four dollars per week," and insert in lieu thereof the following: "For their board and maintenance, the same as allowed to other patients by the State." Section amended.

§ 2. This act to take effect from its passage.

Approved May 10, 1890.

## CHAPTER 1396.

AN ACT to declare Bear Pen creek, in Wolfe county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Bear Pen creek, a tributary of the Kentucky river, in Wolfe county, be, and the same is hereby, declared a navigable stream.

Penalty.

§ 2. That any person obstructing the navigation of said Bear Pen creek shall be subject to the same penalties and liabilities prescribed by the General Statute laws of this Commonwealth for obstructing the public road.

§ 3. This act shall take effect and be in force from and after its passage.

Approved May 10, 1890.

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CHAPTER 1397.

AN ACT declaring Swift's Camp creek, in Wolfe county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Swift's Camp creek, a tributary of Red river, in Wolfe county, be, and the same is hereby, declared a navigable stream from its mouth to the south line of the incorporate limits of the town of Campton, on the main or middle fork of said creek.

Penalty.

§ 2. That any person guilty of obstructing the free navigation of said Swift's Camp creek, shall be subject to the same liability and fines now prescribed by the General Statute laws of this Commonwealth for the obstructions of public roads.

§ 3. This act shall be in force and effect from and after its passage.

Approved May 10, 1890.

## CHAPTER 1409.

AN ACT in relation to the management of trains where railways cross each other.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That wherever railways cross each other in this Train to stop. State the trains shall be brought to a full stop at least fifty feet before getting to the crossing: *Provided*, Proviso. *however*, That the provisions of this section shall not be applicable where the crossings of such roads are regulated by derailing switches or other safety appliances which prevent collisions at crossings, nor where a flagman or watchman is stationed at such crossings and signals that the train may cross in safety.

§ 2. That any corporation failing to so stop its Penalty. trains as herein directed shall be guilty of a misdemeanor, and shall be fined not less than one hundred nor more than five hundred dollars for each offense; and the engineers of said trains shall be fined not less than twenty nor more than one hundred dollars for each offense.

Approved May 10, 1890.

## CHAPTER 1411.

AN ACT to amend section fifty-one of the Civil Code of Practice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section fifty-one of the Civil Code of Practice be amended as follows: Where the defendant corporation is the owner or the lessee of a railway in this State, or the builder or constructor of a railway in this State, and can not be served with summons under existing laws, then the person or corporation controll- Service of process.

ing or operating the railway so owned or built or constructed shall be treated as the representative of the defendant, and service of summons upon such of the officers or agents of the persons or corporation operating or controlling the railway as would be required if such controller or operator were the party sued, shall be a sufficient service of summons upon the defendant to the action; but such service must be twenty days before the commencement of the term, and the facts authorizing the same must be made to appear by the return of the officer or the affidavit of some person other than the plaintiff in the action, and the appearance of the defendant to move for the quashal of the service of the summons shall operate as an appearance for all the purposes of the action, and the same shall stand for trial at the succeeding term of the court, in case the motion to quash shall prevail.

§ 2. This act shall take effect from its passage.

Approved May 10, 1890.

#### CHAPTER 1444.

AN ACT to declare "Owens' creek" of Little Sandy river, in Elliott county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Owens' creek  
navigable.

§ 1. That "Owens' creek," a tributary of Little Sandy river, in Elliott county, be, and the same is hereby, declared navigable from its mouth up to the forks of same, near Owen Adkins'.

§ 2. This act shall take effect from its passage.

Approved May 12, 1890.

## CHAPTER 1455.

AN ACT to redistrict the counties of Johnson, Martin, Pike, Letcher, Floyd and Knott into Legislative districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the counties of Johnson, Martin and Pike shall hereafter constitute one Legislative district, and the counties of Letcher, Floyd and Knott shall constitute one district.

§ 2. The delegates from said counties to the Constitutional Convention to adopt, amend or change the Constitution of the State of Kentucky, to be held at the city of Frankfort, beginning on the second Monday in September, one thousand eight hundred and ninety, shall be elected from the Legislative districts created by this act, and that part of the act to call a convention to adopt, amend or change the Constitution of the State of Kentucky, approved May third, one thousand eight hundred and ninety, requiring said delegates to be elected from the Legislative districts as they are now constituted, be, and the same is hereby, amended so as not to apply to said counties.

§ 3. This act shall take effect from its passage.

Approved May 12, 1890.

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CHAPTER 1514.

AN ACT to amend an act, entitled "An act relating to branding logs on Kentucky and Cumberland rivers," approved May fifteenth, one thousand eight hundred and eighty-six.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section one of the act referred to in the title to this act be, and it is hereby, amended as follows, namely: After the word "logs" where it

Act of 1886  
amended.

first occurs in said act, add the words "or standing timber," and change the last sentence in said section so as to make it read as follows, namely: "It shall be the duty of such person or persons to brand all the standing timber he or they may purchase as soon as the same is purchased; and also to brand all logs or other timber cut or purchased for merchandise."

§ 2. That section two of said act be, and it is hereby, amended as follows, namely: Before the word "logs" where it first occurs in said section insert the words "standing timber or," and after the word "where" as it first appears in said section insert the words "said standing timber is located or where said logs."

§ 3. That section three in said act be, and it is hereby, amended as follows, namely: Before the word "timber" where it occurs in said section insert the word "standing."

Act of 1888 re-  
pealed. § 4. That an act amending said act, approved April twenty-six, one thousand eight hundred and eighty-eight, be, and it is hereby, repealed.

Penalty. § 5. That any person or persons who shall take, secrete, cut, saw, or in any way convert to his or their own use without the consent of the owner thereof, any standing tree or logs cut or sawed for merchandise, and branded as required by this act, or the act to which it is an amendment, shall be deemed guilty of a felony, and on conviction thereof confined in the penitentiary for a period of one year.

Duty of owner  
and operators. § 6. That any person or corporation owning or operating a boom or booms on the waters of said rivers or their tributaries who may find a log or logs in such boom or booms not belonging to said person or corporation, shall, at the end of each calendar month, or oftener if he or it shall so desire, file with the clerk of the county court of the county in which such boom or booms may be located, a written statement showing the number of logs so found, their grade and dimensions, what kind of timber they may

be, and the brand or brands thereon; whereupon it Duty of clerk. shall be the duty of said clerk, when his fees are paid, to issue and mail to any person to whom he may be directed by the person or company filing said statement, to issue same, a written notice that such statement, giving the substance thereof, has been filed in his office. It shall be the duty of the sheriff into Duty of sheriff. whose hands said notice may come, by mail or otherwise, to execute and return same as speedily as possible, as notices are required to be executed and returned under the Civil Code of Practice of this State. In case any person or corporation on whom said notice has been served shall fail, within fifteen days after service of same, to appear in person or by agent and claim said log or logs so found in such boom or booms, and pay the legal charges thereon, the person or persons or corporation operating said boom or booms shall be authorized to cut or saw or use such log or logs, and account for the market value thereof to the owner or owners of same, as of the time when so cut, sawed or used. If said clerk or sheriff shall fail to Penalty. discharge any duty required of him herein, he may be proceeded against by rule in the county court of the county wherein said written statement is filed, or may be fined for each time he may so fail, in a sum not exceeding twenty dollars, recoverable before a justice of the peace or officer of like jurisdiction. If the person owning or operating said boom or booms shall fail to file said written statement, and to direct said notice or notices to be issued as aforesaid in all cases when he or they or it may have information concerning the owner of the brand or brands on the log or logs so found the said boom or booms, he or they or it may be fined in any sum not less than fifty nor more than five hundred dollars, to be recovered by indictment of a grand jury. Said person or persons or corporation owning or operating a boom or booms as Written statement. aforesaid shall, in addition to filing said written statement, keep at the office of the person or persons

or corporation so owning or operating said boom or booms, a book in which shall be registered what is contained in said written statement filed as aforesaid, and which shall at all times be kept open for public inspection ; and for a failure to keep such a register as aforesaid, or to allow public inspection thereof, the person or persons or the corporation so failing shall be subject to the penalty herein prescribed for failing to file said statement, recoverable as in case of such failure to file same. The costs and expense of filing said statement and giving said notice shall be a lien on the log or logs therein described to be paid by the owner or owners thereof.

§ 7. That all acts or parts of acts inconsistent herewith are hereby repealed.

§ 8. That this act shall apply to the region watered by the Kentucky and Cumberland rivers and their tributaries, and no other.

Penalty.

§ 9. Any person or persons, or corporation, engaged in drifting logs not in rafts on either of said streams, shall have the brand or brands adopted by said person or persons or corporation recorded in each of the counties through which said logs will pass, and for failing to do so shall be subject to a fine of not less than fifty dollars for each county in which he or they or it shall fail to have same so recorded, to be recovered by indictment of a grand jury.

§ 10. This act shall go into effect from and after its passage.

Approved May 14, 1890.

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## CHAPTER 1540.

AN ACT to change and fix the time of holding the courts in the Thirteenth Judicial District.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That from and after the first day of August, one thousand eight hundred and ninety, the circuit



court in the Thirteenth Judicial District shall be held as follows, viz :

*First*—In the county of Bath, on the last Mondays in August and February, continuing twelve juridical days at each term.

*Second*—In the county of Menefee, on the second Mondays in September and March, continuing twelve juridical days at each term.

*Third*—In the county of Morgan, on the fourth Mondays in September and March, continuing twelve juridical days at each term.

*Fourth*—In the county of Magoffin, on the Mondays succeeding the Morgan Circuit Court, continuing twelve juridical days at each term.

*Fifth*—In the county of Elliott, on the Mondays succeeding the Magoffin Circuit Court, continuing twelve juridical days at each term.

*Sixth*—In the county of Rowan, on the second Monday in November, and continue twelve juridical days ; and on the second Monday in May, and continue six juridical days.

*Seventh*—In the county of Montgomery, on the fourth Monday in November and third Monday in May, continuing eighteen juridical days at each term.

§ 2. That all processes, bail bonds and recognizances shall be returnable at the terms of said courts herein specified and directed to be held, or which may hereafter be executed, requiring any person or persons to appear at any of the circuit courts of said Thirteenth Judicial District at the time fixed by law before this act takes effect, the same shall be sufficient service for the appearance of said person or persons at the terms of said courts as changed by this act.

§ 3. This act to take effect and be in force on and after the first day of August, one thousand eight hundred and ninety.

Approved May 14, 1890.

## CHAPTER 1563.

AN ACT to amend an act, entitled "An act to create a common pleas court in the counties of Bourbon, Clark, Madison, Bath and Montgomery."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That such portion of said act as directs the holding of a term of said court in the county of Clark, beginning on the fourth Monday in June of every year, is hereby repealed, and there shall be but two terms of said court held in and for said county, viz: One in February and one in September of each year, as now provided for in said act and amendments thereto, and all causes, either brought or continued to said June term of said court, shall be continued to the September term of said court.

Terms of court regulated.

§ 2. This act shall take effect from and after its passage.

Approved May 15, 1890.

## CHAPTER 1615.

AN ACT to amend section eight, article nine of the common school law.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section eight of article 9 of the common school law be amended by striking out the words "collected by a warrant before a justice of the peace" and inserting in lieu thereof the words "collected as other taxes are now collected for school purposes."

Sec. 8, art. 9, common school law amended.

§ 2. This act to take effect from its passage.

Approved May 17, 1890.

## CHAPTER 1621.

AN ACT to prevent the establishment of pools, trusts and conspiracies, and to provide punishments therefor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That if any corporation under the laws of Kentucky, or under the laws of any other State or country, for transacting or conducting any kind of business in this State, or any partnership, company, firm or individual, or other association of persons, shall create, establish, organize or enter into, or become a member of, or a party to, or in any way interested in any pool, trust, combine, agreement, confederation or understanding with any other corporation, partnership, individual or person, or association of persons, for the purpose of regulating or controlling or fixing the price of any merchandise, manufactured articles or property of any kind, or shall enter into, become a member of, or party to, or in any way interested in any pool, agreement, contract, understanding, combination or confederation, having for its object the fixing, or in any way limiting the amount or quantity of any article of property, commodity or merchandise to be produced or manufactured, mined, bought or sold, shall be deemed guilty of the crime of conspiracy, and punished therefor as provided in the subsequent sections of this act.

Pools, trusts and conspiracies prohibited.

§ 2. It shall not be lawful for any corporation to issue or to own, have or sell any trust certificates or stocks, or for any corporation's agent, officer or employe, agent or director, or any corporation to enter into, either verbally or in writing, any combinations, contract, agreement or understanding with any person or persons, corporation or corporations, or with any director, agent or officer thereof, the purpose or effect of which combination, contract, agreement or understanding would be to place the management, control

Trust certificates.

or any part of the business of such combination or association, or the manufactured product thereof, in the hands or under the control, in whole or in part, of any trustee or trustees, or agents, or any person whatever, with the intent, or to have the effect to limit, fix, establish or change the price of the production or sale of any article of property or of commerce, or to prevent, restrict, or in any way diminish the manufacture or output of any such article or property.

Penalty.

§ 3. If any corporation, company, firm, partnership or person, or association of persons, shall, by court of competent jurisdiction, be found guilty of any violation of any of the provisions of this act, such guilty party shall be punished by a fine of not less than five hundred dollars, and not more than five thousand dollars. Any president, manager, director or other officer or agent, or receiver of any corporation, company, firm, partnership or any corporation, company, firm or association, or member of any corporation, firm or association, or any member of any company, firm or other association, or any individual found, by a court of competent jurisdiction, guilty of any violation of this act in the first section thereof, or any of them, shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or may be imprisoned in the county jail not less than six months nor more than twelve months, or may be both so fined and imprisoned in the discretion of the court or jury trying the case.

Contracts void.

§ 4. Any contract or agreement or understanding in violation of the provisions of the preceding sections of this act shall be null and void; and any purchasers of property or article, or of any commodity, from any individual, firm, company or corporation transacting business contrary to the preceding sections of this act, shall not be liable for the price or payment of such article or commodity or property, and may plead and rely on this act as a complete defense to any suit for such price or payment.

§ 5. If any corporation created or organized by or Charter forfeited under the laws of this State shall be indicted and convicted for any violation of any of the provisions of this act, such indictment, trial and conviction in any court of competent jurisdiction shall have the effect to forfeit the charter of such corporation without any further proceedings on the subject of the forfeiture of its charter; but any corporation whose charter is so forfeited shall have the right of appeal as is provided in other cases, and the filing of the bond as is required by law shall suspend the judgment of forfeiture until same is passed upon by the court to which the case is appealed.

§ 6. It shall be the duty of the circuit judges, and other judges of similar jurisdiction in this State, to give the provisions of this act in charge to the grand juries at each term of their courts.

§ 7. The provisions of the Code of Practice regulating appeals in other cases shall apply to appeals under this act, and this act shall take effect and be in force from and after its passage.

Approved May 20, 1890.

## CHAPTER 1622.

AN ACT to prescribe the form of report made out by the Stewards to Superintendents of the various charitable institutions in this Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. In order that the Superintendents of the various charitable institutions of this Commonwealth may make out their financial reports to the Governor with a uniformity, it is hereafter made the duty of the stewards of the various charitable institutions in this Commonwealth to submit their reports to the Superintendant under the form as provided in section two of this act. Steward to report.

## § 2.

## TABULAR

Statement of Steward, showing, under appropriate heads, the expenses of \_\_\_\_\_ lunatic asylum for the month of \_\_\_\_\_, one thousand eight hundred and ninety—.

Form of.

Pay-roll.	{ Salaries . . . . .		
	{ Wages . . . . .		
Breadstuffs . . . . .			
Building and repairs . . . . .			
Books, stationery and printing . . . . .			
Board refunded . . . . .			
Clothing . . . . .			
Drugs and medicines . . . . .			
Dry goods . . . . .			
Expenses on live stock . . . . .			
Fruits and vegetables . . . . .			
Fuel . . . . .			
Furniture, household and kitchen . . . . .			
Freight and express on general merchandise and supplies . . . . .			
Funeral expenses . . . . .			
Farm expenses . . . . .			
Garden expenses . . . . .			
Groceries . . . . .			
Ice . . . . .			
Insurance . . . . .			
Lights . . . . .			
Laundry . . . . .			
Labor, not included in pay-roll . . . . .			
Milk . . . . .			
Meats, including fowls, fish and game . . . . .			
Postage, telegraph and telephone . . . . .			
Spirituous liquors . . . . .			
Soap . . . . .			
Seeds . . . . .			
Traveling expenses . . . . .			
Vehicles, tools and implements for farm and garden . . . . .			
Amusements . . . . .			

Total expenses for which warrants are issued . . . . .

Products of farm and garden, for which no warrants are issued . . . . .

Grand total . . . . .

\_\_\_\_\_, Steward.

§ 3. This act shall take effect from its passage.

Approved May 20, 1890.

## CHAPTER 1628.

AN ACT to declare Gillmore creek, Lacy's creek and Stillwater creek, in Wolfe county, navigable streams.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Gillmore creek, Lacy's creek and Stillwater creeks, in Wolfe county, be, and the same are hereby, declared navigable streams from the mouth of each of said streams, so far as saw logs and railroad ties and staves can be successfully floated on said streams.

§ 2. That any person who shall unlawfully obstruct the free navigation of said Gillmore creek, Lacy's creek and Stillwater creek, in Wolfe county, shall be guilty of a misdemeanor, and subject to the same liability and penalties prescribed by the General Statute Laws of this Commonwealth for the obstruction of public roads.

§ 3. This act shall be in force and effect from and after its passage.

Approved May 20, 1890.

## CHAPTER 1708.

AN ACT to declare Marrowbone creek, in Cumberland county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Marrowbone creek, in Cumberland county, be, and the same is hereby, declared a navigable stream from its mouth to Pitt's ferry, for all intents and purposes.

§ 2. This act shall take effect from its passage.

Approved May 22, 1890.

## CHAPTER 1721.

AN ACT to declare certain tributaries of Middle creek, in Floyd county, navigable streams.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Open fork, Lick fork, Rough and Tough fork, tributaries of Middle creek, in Floyd county, be, and they are hereby declared to be, navigable streams.

§ 2. This act shall take effect from its passage.

Approved May 22, 1890.

## CHAPTER 1744.

AN ACT to fix the *per capita* allowance at the lunatic asylums for the pauper lunatics.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That for the fiscal year beginning the first day of April, one thousand eight hundred and ninety, and for each subsequent year until otherwise provided by law, the amount allowed by each of the lunatic asylums of this Commonwealth for the support of its pauper patients, and for its other expenses, as provided in the twenty-first section of the act approved March twentieth, one thousand eight hundred and seventy, and entitled "An act to amend and reduce into one the several acts organizing and regulating the lunatic asylums of this State," and the amendments thereto, shall be at the rate of one hundred and thirty-five dollars per annum for each pauper patient so supported in said asylum.

Per capita allowance regulated.

§ 2. This act shall take effect from its passage.

Approved May 28, 1890.



## CHAPTER 1754.

AN ACT regulating the annual allowance to pauper idiots, and providing for the payment of the same.

WHEREAS, There are being grave impositions practiced upon the Commonwealth of Kentucky by the enormous increase of the pauper idiot list; now, in order to correct this imposition and to relieve the people of the burden of so much taxation; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the annual allowance to a pauper idiot shall be seventy-five dollars, of which fifty-five dollars shall be paid out of the State Treasury in the manner now directed by law, and twenty dollars by the county court of the county wherein said idiot may reside.

§ 2. No allowance shall be paid the committee of a pauper idiot by the Auditor until said committee shall have filed with the Auditor a copy of the order of his county court allowing the portion due thereof by said county, and his own affidavit that the same has in good faith been paid.

§ 3. This act shall take effect from its passage, and all laws inconsistent herewith are hereby repealed.

Approved May 28, 1890.

## CHAPTER 1763.

AN ACT to amend the revenue laws of this Commonwealth, giving the State the power to sue for taxes due.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That right and power is hereby vested in the Commonwealth to institute and maintain its action to recover all taxes which may heretofore have

accrued to the Commonwealth, or which may hereafter accrue, and which can not be collected by the ordinary methods of distraint and sale. Said suits may be instituted in courts of equity jurisdiction, for the purpose of enforcing the State's lien on property which, for any reason, can not be sold, or for the purpose of reaching intangible property which can not be otherwise reached; but no action shall be instituted or maintained under the provisions of this act upon any claims for taxes that have been assessed, or might have been assessed, more than five years before the commencement of the same.

§ 2. This act shall take effect and be in force from and after its passage.

Approved May 23, 1890.

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## CHAPTER 1764.

AN ACT in relation to the licensing of the Frankfort Lottery of Kentucky and the Henry Academy and Henry Female College Lottery.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall hereafter be unlawful for the Auditor of Public Accounts to issue any license to any person or corporation to operate the Frankfort Lottery of Kentucky or the Henry Academy and Henry Female College Lottery.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved May 23, 1890.

## CHAPTER 1767.

AN ACT to amend an act, entitled "An act for the incorporation and regulation of fire, marine, health, accident, live stock and all other except life insurance companies," approved March twelfth, one thousand eight hundred and seventy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section three of an act, entitled "An act <sup>Section amend-</sup> for the incorporation and regulation of fire, marine, health, accident, live stock and all other except life insurance companies," approved March twelfth, one thousand eight hundred and seventy, be amended by adding thereto the following: "That Mutual Fire <sup>Amendment.</sup> Insurance Companies, organized under this act, or incorporated by any special law or charter of this State, or doing business in this State under the general law thereof, may thereafter charge and collect in advance upon their policies a full annual premium in cash, but such policies shall not compel subscribers insured or assured to renew any policy nor pay a second or further annual or term premium. Any such company must, in its by-laws, and must in its policies, fix by a uniform rule the contingent mutual liability of its members for the payment of losses and expenses; and such contingent liabilities shall not be less than three nor more than five annual cash premiums as written in the policy; but such liability shall cease with the expiration of the time for which a cash premium has been paid in advance, except for liability incurred during that time.

§ 2. This act shall take effect from and after its passage.

Approved May 24, 1890.

## CHAPTER 1774.

AN ACT to increase the pay of guards at Kentucky Penitentiary.

Preamble.

WHEREAS, The guards at the Kentucky Penitentiary have duty to perform three hundred and sixty-five days in each year, knowing no holidays or Sundays, at a salary of fifty dollars per month for four, and forty dollars per month for all the others, which is not sufficient to support them in anything like decency or common comfort; and whereas, every fireman and policeman in all the well regulated towns and cities in the State are paid a salary of at least sixty dollars per month, it is just and proper to the guards at the prison, who have to watch over the worst criminals in the State, that they should be equally compensated, their duties and time being more than policemen and firemen, that they should receive pay for their services as much at least as policemen and firemen of the towns and cities in the State; and whereas, the positions at the prison are all alike responsible, and no distinction as regards salary should be made, but all paid the same amount; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Salary.

§ 1. That the guards at the Kentucky Penitentiary be paid the sum of sixty dollars each per month for their services.

Auditor.

§ 2. The Auditor of Public Accounts is directed to issue his warrant on the Treasurer, on the last day of each month, for the amount of said increased pay of guards.

Condition.

§ 3. This act to take effect from its passage, but in no way to cause the present lessees to pay any more for the services of guards than is specified in their contract leasing the prison from the Commissioners.

'Approved May 24, 1890.

## CHAPTER 1781.

AN ACT to readjust and fix the time of holding the court of common pleas in the First Judicial District.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the court of common pleas for Ballard county shall convene on the first Monday of January and July each in each year and hold twelve judicial days, if the business requires it; that the court of common pleas for Hickman county shall convene on the third Monday each of January and July in each year and hold for twelve judicial days, if the business requires it; that the court of common pleas for Carlisle county shall convene on the first Monday of February and August in each year and hold twelve judicial days, if the business requires it; that the common pleas court of Graves county shall convene on the third Monday each in February and August and continue for thirty judicial days, if the business requires it; that the common pleas court for Marshall county shall convene on the fourth Monday each in March and September in each year and continue twelve judicial days, if the business requires it; that the common pleas court of McCracken county shall convene on the second Monday each in April and October in each year and continue forty-eight judicial days, if the business requires it; that the common pleas court of Livingston county shall convene on the second Monday each in June and December in each year and continue eighteen judicial days, if the business requires it.

§ 2. This act shall take effect and be in force from and after Saturday, the sixteenth day of August, one thousand eight hundred and ninety.

Approved May 24, 1890.

## CHAPTER 1788.

AN ACT to suppress lottery advertisements and publications.

Preamble.

WHEREAS, The lottery is a most demoralizing and odious system of gambling, degrading to the State, inducing idleness and crime, productive of extensive evils and injury to the people of the Commonwealth, injurious to public morals, and is immoral in all its tendencies ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Unlawful to print  
or publish.

§ 1. That it shall be unlawful for any newspaper, magazine, sheet or periodical published and circulated in this Commonwealth to print or publish therein any advertisement of any lottery, drawing or scheme of chance, or any advertisement or announcement indicating where any ticket or chance therein can be had or procured, or to print, advertise, circulate, or publish in such newspaper, sheet, periodical or magazine any matter, announcement or statement of, or in any wise concerning, any lottery, drawing or scheme of chance, whether the same be an advertisement or announcement of a lottery, drawing, or scheme of chance to occur in the future, or which has occurred in the past, or which it is usual or customary to hold or hold at any given time, and whether such lottery, drawing, or scheme of chance be held in this Commonwealth or elsewhere ; or to print, advertise, circulate or publish in such newspaper, periodical, sheet or magazine any announcement or statement of the result, in whole or in part, of any such lottery, drawing, or scheme of chance.

Unlawful to sell.

§ 2. It shall be unlawful for any person to sell, expose or offer for sale any newspaper, magazine, sheet, periodical, or other written or printed matter in this Commonwealth containing any such advertisement, announcement, or statement as is mentioned in the first section of this act.

§ 3. The publisher or publishers, owners or proprietors of any newspaper or magazine, sheet or periodical violating the first section of this act, or any part or provision thereof, shall be deemed guilty of a misdemeanor, and shall, upon indictment and conviction thereof in any court of competent jurisdiction, be fined not less than one thousand dollars nor more than five thousand dollars, and shall be confined in the county jail not less than thirty days nor more than six months for each offense; and if such newspaper, magazine, sheet or periodical be published or owned by a corporation it shall incur the fine above mentioned, and the president and managing officers of the corporation, either or both, shall be imprisoned as above mentioned. Misdemeanor. Penalty.

§ 4. Any person violating the second section of this act shall be punished by fine of not less than three hundred dollars nor more than one thousand dollars, and shall be imprisoned not less than ten nor more than thirty days for each offense, and each sale or exposure for sale shall be regarded as a separate offense. Penalty.

§ 5. It shall be the duty of judges of courts having criminal jurisdiction to give this act in his charge to each grand jury hereafter empaneled in the courts of this Commonwealth. Duty of courts.

§ 6. This act shall take effect from and after passage.

Approved May 24, 1890.

## CHAPTER 1794.

AN ACT to amend an act, entitled "An act to extend the court of common pleas in the first Judicial District to include the county of Graves for the trial of equity causes," approved May eight, one thousand eight hundred and eighty-four, so as to give jurisdiction of common law actions and special proceedings.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Jurisdiction—  
original.

§ 1. That said court of common pleas shall have original jurisdiction in said county of Graves of all common law actions and special proceedings of which the circuit court in said county now has jurisdiction—(except on forfeited recognizances, bail bonds, and so forth, as aforesaid) such jurisdiction of said actions and special proceedings shall be exclusive of the circuit court, but concurrent with the inferior courts the same as is now provided by law, and all laws relative to such actions and special proceedings, and the trial of same in the circuit court, are hereby made to apply to this court of common pleas.

Appellate.

§ 2. The court of common pleas is hereby given the same appellate jurisdiction of judgments rendered in the inferior courts in civil actions and special proceedings as is now conferred by law upon the circuit court of said county.

Duty of clerk.

§ 3. It shall be the duty of the Clerk of the Graves Circuit Court, so soon as this act goes into effect, to transfer from said circuit court to the court of common pleas all common law actions and special proceedings now on file in the circuit court, except such as there is now a motion for new trial pending in.

Amendment.

§ 4. In section two of the original act the word "eighteen" is hereby stricken out and the word "thirty" inserted in lieu thereof.

Judge.

§ 5. The judge of said court may make such rules as he may deem best relative to the order in which the cases, both equity and common law, shall be



called for trial, and the time during such terms of his court the jury shall be summoned to attend, and such other rules as are necessary to expedite business not inconsistent with existing laws.

§ 6. This act shall take effect from and after its passage.

Approved May 24, 1890.

## CHAPTER 1804.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to protect citizens of this Commonwealth from empiricism,'" approved April twenty-fifth, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That subsection (b) of section three of the act to which this is an amendment be amended by striking out the words "by the faculty of a legally chartered medical school in this State or State Medical Society," and inserting in lieu thereof the words "by the State Board of Health." Section amended.

§ 2. Nothing in this act, nor the act to which this is an amendment, shall be so construed as to authorize any traveling empiric to register or practice medicine in any county in this State, to open an office for such purpose, or to announce to the public in any other way his readiness to practice medicine in any of its branches in any county, shall be to engage in the practice of medicine within the meaning of the law. Proviso.

§ 3. This act shall be in force from its passage.

Approved May 24, 1890.

## CHAPTER 1805.

AN ACT to amend an act, entitled "An act to amend the revenue laws of the Commonwealth of Kentucky," approved May seventeenth, one thousand eight hundred and eighty-six.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Section amend-  
ed.

§ 1. That section one of article one of an act, entitled "An act to amend the revenue laws of the Commonwealth of Kentucky," approved May seventeenth, one thousand eight hundred and eighty-six, be, and the same is hereby, amended so as to substitute for the word "forty-seven," in the first line, the word "forty-two," and for the word "twenty," in the seventh line, the word "fifteen."

§ 2. This act shall take effect from and after its passage.

Became a law, the objections of the Governor to the contrary notwithstanding, May 22, 1890.

GEO. M. ADAMS,  
*Secretary of State.*

I, Green R. Keller, Clerk of the House of Representatives, do certify that the foregoing bill, entitled "An act to amend an act, entitled 'An act to amend the revenue laws of the Commonwealth of Kentucky,' approved May seventeenth, one thousand eight hundred and eighty-six, passed the House of Representatives on the fifth day of March, one thousand eight hundred and ninety, was reported to the Senate on the sixth day of March, one thousand eight hundred and ninety; was returned from the Senate on the eleventh day of March, one thousand eight hundred and ninety, as having been agreed to by that body on the said eleventh day of March, one thousand eight hundred and ninety. That said bill having been duly enrolled, was signed by Harvey Myers, Speaker of the House of Representatives, on the twelfth day of March, one thousand eight hundred and ninety. That said bill was returned to the House of Representatives by the Governor, together with his message vetoing same, on the twenty-second day of March, one thousand eight hundred and ninety, and his said objections were spread in full upon the Journal of that body. On the fourth day of April, one thousand eight hundred and ninety, the said bill was, in accordance with the provisions of the Constitution, reconsidered by the said House of Representatives, and upon said reconsideration was passed by that body, the objections of the Governor to the contrary notwithstanding, a majority of all the members elected to that body voting in favor of said passage upon a call of the yeas and nays, said call and vote being spread upon the Journal of that body. The fact of such passage was reported to the Senate on the seventeenth day of April, one thousand eight hundred and ninety, together with the objections of the Governor above named. And on the twenty-third day of May, one thousand eight hundred and ninety, said bill was returned from the Senate as having been by that body passed on the twenty-second

day of May, one thousand eight hundred and ninety, the objections of the Governor to the contrary notwithstanding. Witness my hand as Clerk of the House of Representatives as aforesaid this twenty-fourth day of May, one thousand eight hundred and ninety.

GREEN R. KELLER,  
*Clerk House of Representatives.*

I, Harry Glenn, Clerk of the Senate, do certify that the foregoing bill, entitled "An act to amend an act, entitled 'An act to amend the revenue laws of the Commonwealth of Kentucky,'" approved May seventeenth, one thousand eight hundred and eighty-six, was on the sixth day of March, one thousand eight hundred and ninety, reported from the House of Representatives to the Senate, indorsed as having passed the House of Representatives on the fifth day of March, one thousand eight hundred and ninety. It was referred to the Committee on Revenue and Taxation on said sixth day of March, one thousand eight hundred and ninety, and on the eleventh day of March, one thousand eight hundred and ninety, the Committee on Revenue and Taxation reported said bill to the Senate, and the same passed the Senate. Said bill was reported back to the House of Representatives on the said eleventh day of March, one thousand eight hundred and ninety, with its passage by the Senate aforesaid indorsed thereon. Said bill having been duly enrolled, was on the twelfth day of March, one thousand eight hundred and ninety, was reported by the Committee on Enrollments in the Senate, under the signature of the Speaker of the House of Representatives, as having been correctly enrolled, whereupon the same was duly signed by the Honorable James W. Bryan, Speaker of the Senate. That on the seventeenth day of April, one thousand eight hundred and ninety, said bill was again reported to the Senate by the House of Representatives, together with a message from the Governor vetoing said bill, with the official announcement that said bill had, on the fourth day of April, one thousand eight hundred and ninety, on a call of the yeas and nays, passed the House of Representatives, the objections of the Governor to the contrary notwithstanding. Said bill and the message of the Governor vetoing same were spread in full upon the Journal of the Senate, and on the twenty-second day of May, one thousand eight hundred and ninety, said bill was again considered by the Senate in accordance with the provisions of the Constitution, and upon such consideration passed by the Senate, the objections of the Governor to the contrary notwithstanding, a majority of all the members elected to the Senate voting in favor of such passage upon a call of the yeas and nays, and the names of the Senators voting for and against the passage of the bill were entered upon the Journal of the Senate. The fact of such passage by the Senate was on the twenty-third day of May, one thousand eight hundred and ninety, reported to the House of Representatives and the bill returned to them with its passage aforesaid by the Senate indorsed thereon. Witness my hand as Clerk of the Senate aforesaid this twenty-fourth day of May, one thousand eight hundred and ninety.

HARRY GLENN,  
*Clerk of Senate.*

## CHAPTER 1813.

AN ACT for the benefit of tavern-keepers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That whenever a tavern or saloon-keeper dies while doing business in this Commonwealth under a license from a county court or any city or town in this State, his personal representative, widow or next of kin shall, upon satisfactory proof before such court of compliance with the requirements of sections one and two of chapter one hundred and six of the General Statutes, by the widow or next of kin, if the license be to keep a tavern, and by and with the consent of such court or the proper authority of such city or town, have the right to continue said business until the expiration of said license upon the execution only of the bonds required by law, and in cases of assignment the assignee shall have the same right.

§ 2. That with the consent of the county court and the city council or board of trustees, where the applicant's place of business is in a city or town, the holder of such license may transfer the same to any bona fide purchaser (with the consent of county court and city council) of his stock or place of business upon the execution of the bonds required by law.

§ 3. This act shall take effect from and after its passage.

Approved May 26, 1890.

## CHAPTER 1814.

AN ACT for the continuation of the Geological Survey.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That for the continuation of the Geological, Topographical and Agricultural Survey of the State,

the chemical analyses of soils, coals, ores and other substances, the collecting of and testing of coals, clays, building stones, ores and other substances, there is hereby appropriated from any money in the State Appropriation. Treasury not otherwise appropriated the sum of fifteen thousand dollars per annum, to be expended in the same manner as provided in chapter eight hundred and seventy-seven of Session Acts, one thousand eight hundred and eighty-three-four, except that nothing herein shall be construed to appropriate money for an immigration bureau, or for any purpose except for a Geological, Topographical and Agricultural Survey of the State, chemical analyses of soils, coals, ores and Conditions. other substances, the collecting of and testing of coals, clays, building stones, ores and other substances.

§ 2. That the Governor is hereby authorized and required to appoint a State Geologist, who shall, by and with the consent of the Governor, appoint suitable assistants for such time as their services may be required: *Provided*, That the Geologist shall not receive Governor appoints Geologist. more than ten dollars per day during such time as he may be in actual service, and the compensation received by said State Geologist shall not exceed in amount two thousand dollars per annum: *And further provided*, That before any money herein appropriated is paid upon the order of the State Geologist and the approval of the Governor, said Geologist shall execute bond in the sum of twenty thousand dollars to the Commonwealth of Kentucky, and good and sufficient surety, to be approved by the Governor, for the lawful discharge of his duties, which bond shall be attested by the Secretary of State and filed in his office. Proviso.

§ 3. The Governor shall have power to remove any of the persons appointed under this act for negligence or incompetency, or any other cause which he may deem sufficient for such removal, and appoint others in their stead. Removal of appointees.

§ 4. That the Governor shall have authority to direct that the work be prosecuted in a manner as will, in his judgment, give alike to all portions of the State, the benefits of the Survey.

§ 5. That neither the State Geologist nor his assistants shall have any interest in mineral lands in this State, nor in any real estate agency, nor in any speculation developed in the exercise of their official duties.

§ 6. That it shall be the duty of the State Librarian to furnish the office of the Geological Survey with all necessary stationery for the use of said Survey.

§ 7. That the reports and publications of the Survey, when approved by the Governor, shall be printed by the Public Printer at the same charges and upon the same terms as similar work is done for the State: *Provided*, That any money received from sale of publications, as provided in chapter eight hundred and seventy-seven of Session Acts one thousand eight hundred and eighty-three-four, shall be placed in the State Treasury to the credit of the general revenue.

§ 8. *Provided*, That the Geological Survey be extended first to the counties in the State which have had no survey, and next to the counties that have had the least survey made.

§ 9. This act shall take effect from and after its passage, and shall repeal all acts and parts of acts in conflict with its provisions, but the foregoing appropriation shall only be for two years.

Approved May 26, 1890.

## CHAPTER 1831.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to provide for the assessment and collection of taxes upon distilled spirits,'" approved April twenty-first, one thousand eight hundred and eighty-two; said amendatory act, approved May twelfth, one thousand eight hundred and eighty-four.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to provide for the assessment and collection of taxes upon distilled spirits,' " approved April twenty-first, one thousand eight hundred and eighty-two; said amendatory act, approved May twelfth, one thousand eight hundred and eighty-four. be amended as follows, namely: That when- Act amended. ever, by the terms of said original and amended acts, any taxes may become due and payable to any county in this Commonwealth upon distilled spirits from any of the parties enumerated therein, and they shall fail to pay same within twenty days after becoming due, suit may be brought in the name of the Commonwealth of Kentucky for the benefit of the county to which said taxes are due against the parties, or any of them required to pay said taxes, to recover said taxes and all costs of the proceeding.

§ 2. The suits provided for in the first section of Suits for taxes. this act may be brought in either the circuit or quarterly courts of the county to which said taxes are due according as they may have jurisdiction under the general laws.

§ 3. In like manner suits may be instituted to recover the penalties denounced by section three of the amendatory act approved May twelfth, one thousand eight hundred and eighty-four.

§ 4. That the provisions of this act shall apply to Limit of act. all taxes now due or owing upon distilled spirits to any county in this Commonwealth, and to all penal-

ties now incurred by section three of the amendatory act approved May twelfth, one thousand eight hundred and eighty-four.

§ 5. That this act shall take effect from its passage.

Approved May 26, 1890.

## CHAPTER 1834.

AN ACT to amend article four, chapter twelve of the General Statutes, title "Change of Venue in Criminal Cases."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Duty of judge.

§ 1. That article four, chapter twelve of the General Statutes, be, and the same is, amended by adding thereto the following, to-wit: That whenever any judge of a circuit or criminal court in this Commonwealth, in which an indictment is pending, charging the defendant or defendants with a felony, shall be satisfied from personal knowledge or from reliable information furnished in court by affidavit or oral testimony, that there exists in the county where such prosecution is pending a state of lawlessness among the citizens of such county, by which the officers are prevented from discharging their duties, or by which the jurors, in the opinion of the court, will be deterred from rendering impartial verdicts, either through fear or otherwise, and the Commonwealth Attorney of the district, either regular or *pro tem.*, concurs in such conclusions of the court and files a written statement in court to that effect, it shall be the duty of such court to order the venue of such case changed to the nearest county in this Commonwealth where such lawlessness does not exist, and a fair and impartial trial can be had and the law executed.

Defendant in custody.

§ 2. If the defendant or defendants be in custody at the time such change of venue is ordered, the court shall make an order for the removal of the defendant



or defendants by the sheriff or jailer of the county, with such sufficient guards as the court may direct, and his delivery to the jailer of the county to which the venue is changed. If the defendant or defendants Under bond. are under bond or recognizance at the time the venue is ordered to be changed, he shall execute a new bail bond, with sufficient security, to be approved by the court, for his appearance on the first day of the next term of the court having jurisdiction of the case in the county to which the venue is changed, and all other conditions as required by law providing for the execution of bail bonds, or in default of such bail the defendant shall be taken into custody and conveyed to the county to which the venue is changed, and delivered to the jailer as hereinbefore provided.

§ 3. The court ordering the change shall take the Witnesses. recognizances of all witnesses for their appearance at the proper court, and make such other orders as may be deemed necessary to secure a fair, full, speedy and impartial trial of the case.

§ 4. The clerk of the court shall immediately trans- Clerk. mit the original papers, together with a transcript of the record pertaining thereto, to the clerk of the court to which the removal is ordered, after making out and retaining in his office a copy of such original papers. The transfer shall be made by the clerk, his deputy or some discreet person to be selected by the clerk for that purpose.

§ 5. The county court of the county from which County court. such removal shall be made shall allow as claims against such county the cost of such removal, to be paid out of the county levy thereof. The fees to the officers shall be the same as now provided by law in cases of change of venue on motion of the defendant.

§ 6. This act shall take effect and be in force from and after its passage.

Approved May 26, 1890.

## CHAPTER 1835.

AN ACT to reapportion the State into eleven Congressional districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the State of Kentucky be, and the same is hereby, laid off into eleven Congressional districts, composed as follows, to-wit: The first district shall be composed of the counties of Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken and Trigg; the second district shall be composed of the counties of Christian, Daveiss, Hancock, Henderson, Hopkins, McLean, Union and Webster; the third district shall be composed of the counties of Allen, Butler, Barren, Cumberland, Edmonson, Logan, Monroe, Muhlenberg, Simpson, Todd and Warren: the fourth district shall be composed of the counties of Breckinridge, Bullitt, Grayson, Green, Hardin, Hart, Larue, Marion, Meade, Nelson, Ohio, Taylor and Washington; the fifth district shall be composed of the county of Jefferson; the sixth district shall be composed of the counties of Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Pendleton and Trimble; the seventh district shall be composed of the counties of Bourbon, Fayette, Franklin, Henry, Oldham, Owen, Scott and Woodford; the eighth district shall be composed of the counties of Anderson, Boyle, Garrard, Jessamine, Lincoln, Madison, Mercer, Rockcastle, Shelby, Spencer and Jackson; the ninth district shall be composed of the counties of Bracken, Bath, Boyd, Carter, Fleming, Greenup, Harrison, Lewis, Lawrence, Mason, Nicholas, Robertson and Rowan; the tenth district shall be composed of the counties of Breathitt, Clark, Elliott, Estill, Floyd, Johnson, Knott, Lee, Martin, Magoffin, Montgomery, Morgan, Menefee, Pike, Powell and Wolfe; the

First district.

Second.

Third.

Fourth.

Fifth.

Sixth.

Seventh.

Eighth.

Ninth.

Tenth.

eleventh district shall be composed of the counties <sup>Eleventh.</sup> of Adair, Bell, Casey, Clay, Clinton, Harlan, Knox, Letcher, Leslie, Laurel, Metcalfe, Owsley, Perry, Pulaski, Russell, Wayne and Whitley.

§ 2. All laws in conflict herewith are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved May 26, 1890.

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### CHAPTER 1861.

AN ACT permitting the United States Government to acquire title to real estate at Paris, Bourbon county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the United States Government is hereby empowered to acquire, and hold title to same, of sufficient real estate at Paris, Bourbon county, for the erection and maintenance of a public building by the said United States Government.

§ 2 This act shall take effect from and after its passage.

Approved May 26, 1890.

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### CHAPTER 1893.

AN ACT to better promote the interest of agriculture, horticulture and statistics of Kentucky.

WHEREAS, It is necessary to promote the interest <sup>Preamble.</sup> of agriculture, horticulture and statistics in Kentucky—being essentially an agricultural State—the former appropriation of two thousand dollars per annum for all the purposes contemplated under the law is entirely inadequate to the demands of the

people and the exigencies of the times. Recent developments of our vast wealth in coal, minerals, timber, stone and different kinds of clay, is attracting within our borders large sums of money, and there is a universal desire for information relating to Kentucky from almost every section of the country; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

**Appropriation.** § 1. That in lieu of the appropriation now existing, thirteen thousand dollars annually be, and the same is hereby, appropriated out of any funds in the Treasury not otherwise appropriated, for the maintenance and support of the Bureau of Agriculture, Horticulture and Statistics, upon the same conditions as the original appropriation.

**Clerk.** § 2. That the Commissioner of Agriculture, Horticulture and Statistics be allowed a clerk or clerks of his own selection, the total salary not to exceed twelve hundred dollars per annum.

**Advisory board.** § 3. That the Governor of Kentucky is hereby authorized to appoint an advisory board of four persons, the Director of the Experimental Station at Lexington to be one of the four. It shall be the duty of said advisory board to meet at Frankfort, or such other place as they may agree upon, at least four times a year, to counsel together and take such steps as they may deem best for the general agricultural, horticultural and statistical interest of the State. The Commissioner shall be chairman of this board. He shall have power to call meetings and adjourn the same. The duties of said board, appointed by the Governor, shall be merely advisory. The legitimate expenses in attending such meetings shall be paid out of the appropriation. This board shall have power to call meetings in the different counties in the State, and the Commissioner, or some one of the board, shall attend and employ assistance as may be necessary for the purpose aforesaid. Three members of the board.

**Duty.**

**Expense.**

**Powers.**

shall constitute a quorum. All money paid out of <sup>Quorum.</sup> the appropriation expended by said board shall have <sup>Expenditures.</sup> the approval of a majority of the board, and every voucher shall set forth for what the money was paid. By reason of increased responsibility and duties, the <sup>Extra salary to</sup> Commissioner is allowed an extra salary of five hundred dollars per annum, to be paid as heretofore. <sup>commissioner.</sup>

§ 4. That such person or persons shall be selected <sup>Lecturers.</sup> by the board aforesaid as in their judgment are best qualified and equipped to go into those counties in the State, and in those parts of said counties where facts and information are most needed by the farmers, and where their opportunities have been few, and where they are not able to buy books or to take agricultural papers; and such person or persons so sent out among the farmers shall give public lectures at the most public places in said sections of the counties, and shall scatter agricultural literature when such lectures are made.

§ 5. That the sum of thirteen thousand dollars, <sup>Appropriation to</sup> appropriated as aforesaid, shall cover all of the <sup>cover all ex-</sup> expenses of every kind growing out of this act, and <sup>penses.</sup> also the salaries of the Commissioner and clerk's pay, and all expenses connected with and growing out of this department of the State government.

§ 6. This act shall take effect from its passage.

Approved May 26, 1890.

## CHAPTER 1895.

AN ACT fixing the time and terms of the circuit courts in the Seventh Judicial District.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the terms of the Monroe Circuit Court <sup>Monroe county.</sup> shall begin on the first Mondays in January and July, and continue two weeks if the business of the court

- Clinton county. requires it; that the terms of the Clinton Circuit Court shall begin on the third Mondays in January and July, and continue two weeks if the business of the court requires it; that the terms of the Hart Circuit Court shall begin on the first Monday in February and Tuesday after the first Monday in August, and continue three weeks if the business of the court requires it; that the terms of the Adair Circuit Court shall begin on the first Mondays in March and September, and continue three weeks if the business of the court requires it; that the terms of the Barren Circuit Court shall begin on the fourth Mondays in March and September, and continue four weeks if the business of the court requires it; that the terms of the Allen Circuit Court shall begin on the fourth Mondays in April and October, and continue two weeks if the business of the court requires it; that the terms of the Metcalfe Circuit Court shall begin on the second Mondays in May and November, and continue two weeks if the business of the court requires it; that the Cumberland Circuit Court shall begin on the fourth Mondays in May and November, and continue two weeks if the business of the court requires it; that the Green Circuit Court shall begin on the second Mondays in June and December, and continue two weeks if the business of the court requires it.

§ 2. This act to take effect from and after its passage.

Approved May 27, 1890.

## CHAPTER 1903.

AN ACT to amend an act, entitled "An act to establish a State Board of Equalization of Assessments in this Commonwealth," approved May fourth, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to establish a State Board of Equalization of Assessments in this

Commonwealth," approved May fourth, one thousand eight hundred and eighty-eight, be, and the same is hereby, ~~amended~~ by inserting after the word "September," in the twenty-second line of section six, Sec. 6 amended. General Statutes, edition of one thousand eight hundred and eighty-eight, the following words: "Said statement shall also be signed and sworn to by the county attorney and county judge, and in their affidavits they shall state that they have examined the recorded and unrecorded conveyances filed for said twelve months preceding September the fifteenth last past, and each and every such conveyance (except those based on love and affection), with the consideration therefor is correctly stated is shown in said statement, and that the assessed values are correctly given in said statement. Said board shall have the authority to obtain and use any other evidences as to values, and whether or not the property conveyed has been assessed at a greater per centum of its actual value than in cases when property has not been conveyed."

§ 2. That the figures "sixty-nine," in the second Sec. 7 amended. line of section seven, be stricken out, and the figures "seventy" inserted in lieu thereof.

§ 3. That section eight of said act be, and the same Sec. 8 amended. is hereby, repealed, and in lieu thereof the following, to be known hereafter as section eight, is hereby enacted, to-wit: The said Board of Equalization shall also equalize the personal property of every county in this Commonwealth, by adding to or subtracting from the list of personal property, as the case may be, the same per centum as was added to or subtracted from the list of farm lands for the same county, and for this purpose the average per centum of assessed value to cash value of farm lands shall be used, and in determining such per centum fractions less than one-half shall be rejected and fractions of one-half and over shall be counted as one.

Approved May 27, 1890.

## CHAPTER 1904.

AN ACT permitting the United States Government to acquire title to real estate at Bowling Green, Warren county, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the United States Government is hereby empowered to acquire, and hold title to same, of sufficient real estate at Bowling Green, Warren county, Kentucky, for the erection and maintenance of a public building by said United States Government.

§ 2. This act to take effect from its passage.

Approved May 27, 1890.

## CHAPTER 1919.

AN ACT amending section seven, article five, chapter ninety-two of the General Statutes, entitled "Revenue and Taxation."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Amendment.

§ 1. That section seven, article five, chapter ninety-two of the General Statutes, entitled "Revenue and Taxation," be amended by adding thereto the following: "Exhibitions displayed under canvass, or any hall or building, which consist solely of performances by educated or trained horses, shall pay to the county clerk a license of not exceeding five dollars a day: *Provided*, The price of admission thereto does not exceed twenty-five cents for each person over fifteen years of age, and not more than fifteen cents for each person under the age of fifteen years."

Proviso.

§ 2. This act shall take effect from its passage.

Approved May 27, 1890.



## CHAPTER 1923.

AN ACT to amend an act, entitled "An act to amend an act to amend the revenue laws of the Commonwealth of Kentucky," approved May seventeenth, one thousand eight hundred and eighty-six.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section eight of article five of an act, entitled "An act to amend the revenue laws of the Commonwealth of Kentucky," approved May seventeenth, one thousand eight hundred and eighty-six, be, and the same is hereby, amended, by adding to said section the following: Any person who shall stand a stud horse, jack or bull without having obtained a license therefor, shall, on conviction, pay a fine of not exceeding double the highest amount charged for the season of said animal.

§ 2. This act to take effect from its passage.

Approved May 27, 1890.

## CHAPTER 1924.

AN ACT to provide for recording contracts for the sale of land.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That any contract for the sale of land, or any interest therein—when acknowledged or proven as deeds are now required to be acknowledged or proven—may be recorded in the county in which such lands are situate, in the same offices and books in which deeds are recorded, and the record of all such contracts recorded after the passage of this act shall, from the time of lodging the same for record, be notice of such contracts to all persons.

Contracts may be recorded.

§ 2. The clerk shall receive the sum of fifty cents Clerk's fees.

for recording each contract, to be paid when the same is lodged for record.

§ 3. This act shall take effect immediately after its passage.

Approved May 27, 1890.

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## CHAPTER 1925.

### AN ACT appropriating money.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Appropriation of money.

§ 1. That the following sums of money are hereby appropriated to the following-named persons, to be paid by the Treasurer out of any money in the Treasury not otherwise appropriated, upon the warrant of the Auditor of Public Accounts.

§ 2. To the Ministers of the Gospel of Frankfort, for their services in opening the Senate and House of Representatives with prayer during the present session, the sum of four hundred dollars, to be drawn by Willis L. Ringo, and distributed equally amongst them.

§ 3. To Guy Barrett, for newspapers furnished the General Assembly during the present session, the sum of one thousand five hundred and ninety-three dollars and fifty cents.

§ 4. To the Capital Publishing Company, for daily papers laid on the desks of the members of the General Assembly during the present session, the sum of seven hundred and thirteen dollars and twenty-eight cents.

§ 5. To the Enrolling Clerks of the Senate and House of Representatives, during the present session, the sum of ten dollars per day each.

§ 6. To the Assistant Enrolling Clerks of the Senate and House of Representatives, the sum of eight dollars per day each from the date of their appointment, the same to be certified by the Clerks of each House.

§ 7. To the Sergeant-at-Arms of the Senate and House of Representatives during the present session, the sum of eight dollars per day each.

§ 8. To the Clerks and Assistant Clerks of the Senate and House of Representatives, ten dollars per day each, including the second Assistant Clerks in both House and Senate, from the date of their appointment. To the Chief Clerks and Assistant Clerks of the House of Representatives and Senate, ten dollars per day each for ten days after adjournment, to complete the work of editing the acts and preparing them for publication.

§ 9. To the Door-keepers of the Senate and House of Representatives during the present session, the sum of eight dollars per day each.

§ 10. To the Cloak-room-keepers of the Senate and House of Representatives during the present session, the sum of four dollars each per day.

§ 11. To the Pages of the Senate and House of Representatives the sum of three dollars per day each, during the time they attended the session, for the time each served. To the Page of the Governor the sum of four dollars per day from the date of his entrance upon his duties.

§ 12. To the Assistant in House Cloak-room the sum of two dollars and fifty cents per day during the session.

§ 13. To the Janitors in the Senate and House of Representatives the sum of six dollars per day each.

§ 14. To the Assistant Janitors in Senate and House of Representatives the sum of four dollars per day each.

§ 15. To the Speakers *pro tem.* of the Senate and House of Representatives the sum of five dollars per day for each day they served, the number of days of such service to be certified by the Clerks of each House.

§ 16. To the Speakers of the Senate and House of Representatives, ten dollars per day each, and mileage, in full for their services.

§ 17. To John T. Orr, for extra services rendered in Library during the present session, three hundred dollars.

§ 18. To the Chief Clerk and Assistant Clerk of the Senate for keeping the accounts of members and officers, and making out warrants for salary, each forty dollars.

§ 19. To the Chief Clerk and Assistant Clerk of the House of Representatives for keeping the accounts of the members and officers, and making out warrants for salary, each one hundred dollars.

§ 20. To Mrs. C. Kendall for room-rent for House Clerk's office during this session, twenty-five dollars per month during its occupancy.

§ 21. To Mrs. M. E. Taylor for room-rent for Senate Clerk's office during the session, twenty-five dollars per month during its occupancy.

§ 22. To W. O. Mize, fifty dollars, and to Albert C. Norman fifty dollars for room-rent for House Enrolling Clerk's office during the session.

§ 23. To John T. Buckley for room-rent for Senate Enrolling Clerk's office during this session, fifty dollars.

§ 24. To W. M. Moore and Tibbis Carpenter, members of Committee on Charitable Institutions, traveling and hotel expenses from Frankfort to Hopkinsville and return, the sum of twenty-six dollars each.

§ 25. To W. D. Hines, stenographer, for services in Jackson case per account filed, one hundred and seventy six dollars.

§ 26. To W. D. Hines, stenographer, for services in Lilly investigation, per account filed, the sum of one hundred and four dollars.

§ 27. To Alexander's Hotel, Louisville, expense of committee in Jackson case, the sum of twenty-one dollars and twenty-five cents.

§ 28. To W. T. Cox the sum of sixteen dollars and ninety cents, amount paid by said Cox for telegraph messages in the Jackson case.

§ 29. To those persons who did engrossing and enrolling the sum of twenty-five cents a page for each page enrolled or engrossed, and the Clerk of the Senate shall certify the names of those who did engrossing or enrolling for the Senate, and the number of pages engrossed or enrolled by each person for the Senate; and the Clerk of the House shall certify to the Auditor the names of those who did engrossing or enrolling for the House, and the number of pages so engrossed or enrolled by each person for the House.

§ 30. To Geo. W. Castle for sleeping car, draping, telegraphing and hotel fare, expenses of committee attending Hon. James B. Beck's funeral, the sum of one hundred and thirty-seven dollars and eighty-nine cents.

§ 31. To James Coleman for washing towels, twenty-nine dollars and eighty cents.

§ 32. To G. W. Castle for amount paid for post-office box rent for Senate during this session, two dollars.

§ 33. To Mrs. Amanda Butcher for washing towels for House of Representatives and cloak-room during this session, twenty dollars.

§ 34. To B. F. Remington for railroad fare and hotel bill at Frankfort while attending committee to investigate penitentiary affairs, three dollars and seventy-five cents.

§ 35. To W. D. Hines, stenographer, for services in Mason-Foard investigation, four hundred and fifteen dollars and fifty cents.

§ 36. To John T. Orr, for services as typewriter in Mason-Foard investigation, three dollars.

§ 37. To J. G. McLean, stenographer, for services in Mason-Foard investigation, twenty-one dollars.

§ 38. To W. W. Stephenson, stenographer, for services in Mason-Foard investigation, twenty-six dollars.

§ 39. To G. W. Castle for expenses of telegrams, three dollars and thirty-five cents.

§ 40. To Robert Allen for stoker in Capitol building, four dollars per day.

§ 41. To committee for expenses incurred by them in investigating the condition and management of the branch penitentiary at Eddyville, to-wit: J. W. McCain, B. F. Reynolds, C. B. Poyntz, J. H. Shearer, J. J. Nall and W. B. Smith, fifteen dollars each ; also to Walker D. Hines, stenographer for said committee, fifteen dollars and fifty cents : also to W. W. Stephenson, stenographer for said committee, thirty-two dollars.

§ 42. To R. B. Tyler for amount paid out in attending the Lilly, Jackson and penitentiary investigations, one hundred dollars.

§ 43. To J. G. McLean, stenographer, for services in the joint committee of Senate and House to investigate lottries, one hundred and sixty-nine dollars and fifty cents.

§ 44. To expenses of committee to investigate the Louisville Gas Company, and paid by them for hotel expenses ; to Robert Tyler, Sergeant-at-Arms ; Senators Bradley, Poyntz, Breckinridge, Kemp and Representatives Cox, Mason, Thorne, W. M. Smith and W. H. Able, five dollars each.

§ 45. To W. S. Bailey, expenses on lottery committee, fifteen dollars.

§ 46. To G. W. Castle, Sergeant-at-Arms, hotel bills and other expenses for special lottery committee, sixty-one dollars and eighty cents.

§ 47. To Rufus Meredith, witness before lottery committee, nine dollars.

§ 48. To P. H. Newman, copying record for lottery committee, one hundred dollars.

§ 49. To Robert Hanner, making fires and attending to Railroad Committee, during session, fifteen dollars.

§ 50. To Moses Butcher, waiting on committee in agricultural office, fifteen dollars.

§ 51. To Buell Taylor and Howard Miller, telegraph messengers, fifteen dollars each.

§ 52. This act shall take effect from its passage.

Approved May 27, 1890.

# RESOLUTIONS.

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## No. 1.

RESOLUTION fixing the pay of the Door-keepers of the General Assembly.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the Door-keepers of the Senate and House of Representatives be allowed to draw the same per diem allowed the Sergeants-at-Arms of the General Assembly under the general law during the present session.

2. This resolution shall take effect from and after its passage.

Approved January 4, 1890.

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## No. 2.

A RESOLUTION of respect to the memory of Hon. L. M. Martin.

WHEREAS, Since the adjournment of the last General Assembly, Hon. L. M. Martin, late State Senator from the Thirtieth District, has departed this life; now, therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That in his death the State of Kentucky has lost a citizen whose integrity both in public and private life, was without spot or stain, and whose wisdom and patriotism exhibited in his faithful service to his State while in the Senate of Kentucky, justly established him in the confidence and esteem of his fellow-citizens.

## RESOLUTIONS.

2. That the sympathy of this General Assembly is hereby tendered to his bereaved family.

3. That the Clerk of the Senate be, and he is hereby, directed to forward a copy of this resolution to his widow.

4. That as a further evidence of respect for the memory of the deceased, this body do now adjourn.

5. This resolution to take effect from its adoption.

Approved January 7, 1890.

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## No. 3.

RESOLUTION allowing the Governor a page during the session of the General Assembly.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That during the session of this General Assembly the Governor of this Commonwealth be allowed the service of one page.

Approved January 8, 1890.

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## No. 4.

RESOLUTION providing for a joint session for the election of a State Librarian and Public Printer and Binder.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That on Friday, January tenth, one thousand eight hundred and ninety, at twelve o'clock, the two Houses of this General Assembly shall meet in joint session for the purpose of electing a State Librarian and Public Printer and Binder.

2. This resolution shall take effect from its passage.

Approved January 10, 1890.



## No. 5.

**RESOLUTION** calling upon the Auditor of Public Accounts for certain information concerning taxes collected for the Agricultural and Mechanical College.

*Be it resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the Auditor of Public Accounts be, and is hereby, requested to report to this Assembly, as soon as practicable, in writing, for its information, what amount of tax has been collected annually from each county of the State, from and including the fiscal year one thousand eight hundred and eighty-seven, pursuant to the provisions of an act, entitled "An act for the benefit of the Agricultural and Mechanical College of Kentucky," approved May first, one thousand eight hundred and eighty.

2. That the Clerk of this House furnish said Auditor of Public Accounts a copy of this resolution immediately after its passage.

Approved January 14, 1890.

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No. 6.

**RESOLUTION** calling upon the president of the Agricultural and Mechanical College for certain information.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the president of the Agricultural and Mechanical College of Kentucky, be, and is hereby, requested to report to this Assembly as soon as practicable, in writing, for its information, what constitutes the Agricultural and Mechanical College endowment or college fund.

2. What connection, if any, the military department at Lexington has with said college, and in what

way the arms and equipments and the military instruction of said department is paid.

3. What connection, if any, the Experiment Station at Lexington has with said college, and in what way the expenses and salary of the superintendent of said Experiment Station is paid.

4. The value and amount of real estate owned by said college and the various sources of revenue to said college.

5. The number of students matriculated in said college for each academic year from and including the academic years of one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four.

6. That the said president of the Agricultural and Mechanical College report what number of said students of each of said years were beneficiaries of the State, and the name and resident county of each of said beneficiaries of the State.

7. That said president report whether said beneficiaries of the State were charged matriculation fees, and the amount of said fees.

8. That said president report the price of tuition for each of said academic years charged students other than beneficiaries of the State.

9. That said president report the number, name and resident county of such beneficiaries in said college at the close of each of said academic years.

10. That said president furnish this Assembly, for its information, an itemized statement of the receipts and expenditures of said college for each of said years.

11. That said president furnish this Assembly a statement, in writing, showing the amount of money received from each of the various sources of revenue to said college for each of said years.

12. Further, that the Clerk of this House, immediately after the passage of this resolution, furnish a copy of the same to the President of said Agricultural and Mechanical College.

Approved January 14, 1890.

## No. 7.

RESOLUTION providing for relief of sufferers at Clinton, Wickliffe and Lowes.

*Be it resolved by the General Assembly of the Commonwealth of Kentucky :*

That the Auditor of Public Accounts is hereby authorized to draw his warrant upon the Treasurer at once, to relieve citizens of this State who are personally suffering from the effects of the recent tornado, at and near the town of Clinton, in Hickman county ; at and near the town of Lowes, in Graves county, and at and near the town of Wickliffe, in Ballard county. Such warrants to be drawn from time to time, and in such sums as may be deemed proper and necessary by the Governor and Auditor, the same not to exceed in the aggregate the sum of ten thousand dollars, and to be used as far as possible for supplying provisions, fuel, medicines, medical attention, and shelter for such sufferers. The Governor and Auditor may appoint or select local relief boards at each of said towns, to assist in carrying out this resolution. They shall report in full the amount contributed to each town, and shall use only so much of the moneys hereby appropriated as they deem necessary upon satisfactory evidence. No commission, board, agent or officer appointed or acting under this resolution shall charge or receive pay for such service, and each commission, board, agent, or officer receiving or distributing any of the money hereby appropriated, shall file with the Auditor, a voucher, showing the disposition of such sum as they or he may receive or distribute, which voucher the Auditor shall keep on file. Any person who shall misappropriate, or refuse to account for any money coming to his hands under this resolution, shall be guilty of a high misdemeanor, and upon indictment, may be fined or

imprisoned, or both fined and imprisoned, at the discretion of the trial jury.

This resolution shall take effect and be in force from its adoption.

Approved January 15, 1890.

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No. 8.

JOINT RESOLUTION as to the pay of the pages of the Senate and House of Representatives.

WHEREAS, The amendments and supplemental acts to chapter ninety-five of the General Statutes provides that the pay of the pages of the Senate and House of Representatives be fixed at two dollars per day, the same to be certified by the Clerks of said Houses respectively, but with the proviso that there shall not be more than three pages for the use of the Senate and four for the House; and whereas, there are exceeding said number in each House at this session; and whereas, it is right that the pay of said pages be certified alike; and whereas, it further appears that some of the pages have served from the beginning of the session, but the Journals do not indicate their appointment, nor were they appointed until some days later, and the Clerk can only issue certificates from the time the Journals show their appointment, yet it is right they should be paid from the time of their service; therefore,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That the Clerks of the two Houses be, and they are hereby, authorized and empowered to issue certificates to the pages at the rate of two dollars per day, and to as many as have been appointed, and will issue certificates to them from the time of their actual service as pages.

2. This resolution shall take effect from its adoption.

Approved January 15, 1890.

## No. 9.

RESOLUTION directing the Librarian to sell members of the General Assembly stationery.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the State Librarian be, and he is hereby, requested and directed to supply the members of the present General Assembly with stationery if any member so desires: *Provided*, That said members shall pay to said Librarian the cost price of such stationery; and any money received under this resolution shall be paid by the said Librarian to the Auditor of Public Accounts.

2. This resolution to take effect from and after its adoption.

Approved January 17, 1890.

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## No. 10.

RESOLUTION of respect to the life and memory of the Hon. Abner McClanahan, deceased, ex-Representative from Bracken county.

WHEREAS, Since the last session of this Assembly it has pleased Almighty God, in the wise dispensation of His providence, to call from our midst the Hon. Abner McClanahan, ex-Representative from the county of Bracken; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the State has lost an active, conscientious and conservative Representative; his county a worthy and honorable citizen; his friends an affable companion and friend, and his family an affectionate and devoted husband and father.

2. *Resolved*, That we tender to the people of his

county and his family our sincere sympathy and condolence in the loss sustained by his death.

3. *Resolved*, That these resolutions be spread upon the Journal of this House, and a copy of them be engrossed and forwarded to the family of the deceased, and that, as an additional mark of our respect to his memory, this House do now adjourn.

Approved January 17, 1890.

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No. 11.

RESOLUTION fixing the pay of the janitors and assistant janitors of the Senate and House of Representatives.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the janitors and assistant janitors of the Senate and House of Representatives be allowed to draw two dollars and one half per day, the same to be certified by the Clerks of the Houses respectively.

2. This resolution to take effect from its passage.

Approved January 17, 1890.

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No. 12.

RESOLUTION providing for a joint session of the General Assembly for the election of a Librarian.

*Be it resolved by the Senate and House of Representatives of the General Assembly of the Commonwealth of Kentucky :*

1. That the two Houses meet in joint session on Tuesday, the twenty-first day of January, at twelve o'clock noon, for the purpose of electing a State Librarian.

2. This resolution to take effect from and after its adoption.

Approved January 21, 1890.

## No. 13.

**RESOLUTION** providing for the appointment of a joint committee to investigate lawlessness in Harlan and Perry counties, and report thereon.

WHEREAS, His Excellency, the Governor, in his message has called the attention of the General Assembly to the reputed lawlessness in the counties of Harlan and Perry, and has recommended the repeal of the act creating the said counties of Harlan and Perry, all of which certainly demands close and careful investigation on the part of the General Assembly; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That a committee of five be appointed as follows: Two from the Senate and three from the House, to be named by their respective Speakers, whose duty and business it shall be to make careful investigation of all the facts and conditions, and report in writing, as soon as practicable, to the General Assembly; and to facilitate them in their duties, they shall be allowed one expert reporter, and be fully empowered to send for persons and papers and compel the attendance of witnesses.

2. This resolution to take effect from its adoption.

Approved January 22, 1890.

## No. 14.

**RESOLUTION** to appoint a committee to investigate the conducting of lotteries in the State.

WHEREAS, His Excellency, the Governor, in his message to the General Assembly, calls attention to the operating of lotteries in the State; and whereas, there are many good people who believe that the

operating and conducting of said lotteries are demoralizing to the morals of the people in the communities where said lotteries are operated and conducted, and that said lotteries are being operated for the benefit of a few at the expense of the many; and whereas, it is believed by many that the objects for which these grants were made are not being benefited thereby, but that they are being carried on by individuals for their own interest; and whereas, it is not the policy of the State to condone crime in any manner or form; therefore, for the purpose of ascertaining when these legislative grants were given, to whom given, for what purpose, and whether they are still conducted for the benefit of the objects for which given, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That a committee of five, to consist of two from the Senate and three from the House of Representatives, to be appointed by the respective Speakers thereof, be, and they are hereby, directed to investigate the operating and conducting of said lotteries; to inquire under what legislative grants said lotteries are claiming to be operated, for whose benefit, and other matters that will give information to the General Assembly. And, for the purpose of carrying out this investigation, the committee shall have power to send for persons and papers; to summon witnesses and compel their attendance; to require all witnesses to testify under oath, and further, shall have power to compel all sheriffs, marshals and other officers to execute their summons. And said committee shall report to the General Assembly the result of its investigations at as early a day as possible. Said report to be in writing; and said committee shall have power to employ a suitable person as clerk if they see proper.

2. This resolution to take effect from and after its passage.

Approved January 28, 1890.



## No. 15.

**RESOLUTION** providing for a joint committee to reapportion the State into Senatorial and Representative districts.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That a joint committee of sixteen, eleven of whom shall be of the House, no more than two of whom shall be from any one Congressional district, and shall be appointed by the Speaker of the House, and five of whom shall be of the Senate, no more than one of whom shall be from any one Congressional district, and shall be appointed by the Speaker of the Senate, is hereby appointed. Said committee is instructed to apportion the Commonwealth into legislative districts as required by section six, article one, of the Constitution of Kentucky, and likewise to apportion the Commonwealth into Senatorial districts as required by section fourteen of said article; and said committee is instructed to report by bill, and may do so at any time.

2. This resolution to take effect from its adoption.

Approved January 28, 1890.

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No. 16.

**RESOLUTION** of respect to the memory of Hon. T. J. Megibben, ex-member of the Senate and House of Representatives.

WHEREAS, Information has just been received of the death of Hon. T. J. Megibben, of Harrison county, an ex-member of each House of the General Assembly of this State; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That in his death the State has lost an eminent and useful citizen, whose services to his State has won

for him in the hearts of his people a high and lasting appreciation enjoyed by but few.

2. That we hereby extend to his widow and children our profoundest sympathy in this the hour of their deepest gloom.

3. That a copy of this resolution be forwarded to his widow by the Clerk of the Senate.

4. That, in further token of our appreciation of his memory, this body do now adjourn.

5. This resolution shall take effect and be in force from its adoption.

Approved January 28, 1890.

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No. 17.

RESOLUTION providing for the payment of two dollars and a half per day to James Coleman, janitor of water-closet.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That James Coleman, janitor of the water-closet, is hereby permitted to draw pay for his services as janitor at the rate of two dollars and a half per day, from the beginning of the present session of the General Assembly until its adjournment; and the Auditor is authorized to draw a warrant in accordance with the provision of this resolution in favor of James Coleman, payable out of any money not otherwise appropriated.

2. This resolution to take effect from and after its adoption.

Approved January 28, 1890.

## No. 18.

RESOLUTION directing the auditing and payment of outstanding checks given by J. W. Tate, late Treasurer of Kentucky, not included in the settlement with the present Treasurer.

WHEREAS, Certain checks drawn by J. W. Tate, late Treasurer, in payment of claims due to individuals by the State, were not embraced in the list of unpaid checks as certified to the present Treasurer by the Commissioners appointed by His Excellency, the Governor, under the provisions of the General Statutes; and whereas, said checks have not been paid upon presentation to the present Treasurer for want of authority to pay them under existing law; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to audit said checks when presented, and to draw his warrant upon the Treasurer for their payment, and charge the same when paid to the Tate defalcation.

2. This resolution shall take effect from its passage.

Approved January 28, 1890.

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No. 19.

RESOLUTION directing the Joint Committee on Charitable Institutions of the two Houses to investigate the true condition of certain lunatics confined in the jails of this Commonwealth.

WHEREAS, It is currently reported, and has been frequently published in the newspapers throughout the State, that a large number of insane persons are confined in the county jails throughout the Commonwealth, where they can not receive either proper or kind treatment, and where there are no conveniences

for their detention or care ; and whereas, such confinement is not only injurious to the health, but renders the cure of said persons less certain, and inflicts upon these unfortunate persons great suffering and distress ; and whereas, such confinement in said unwholesome prisons is claimed to be necessary by reason of the crowded condition of the present lunatic asylums ; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That this General Assembly direct the Committees of the Senate and House on Charitable Institutions to investigate the true condition of such Innatics as may be confined in the jails of the State ; the present capacity of the insane asylums, and what steps, if any, are necessary or proper to the relief or care of these persons so held or confined in the jails or asylums aforesaid.

Approved January 30, 1890.

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No. 20.

RESOLUTION requiring the Secretary of State and Public Printer to furnish certain information.

WHEREAS, By the requirements of an act, entitled "An act for taking the sense of the people of the Commonwealth as to the necessity or expediency of calling a convention to amend the Constitution, and for ascertaining the number of citizens entitled to vote for Representatives within this State," approved January twentieth, one thousand eight hundred and eighty-eight, it was made the duty of the Secretary of State, after the adjournment of the General Assembly by which said act was passed, to make out the form of a registration book and certificates as provided therein, and to furnish the same to the Pub-

lic Printer forthwith ; and whereas, by the provisions of the said act it was made the duty of the Public Printer to make up and bind in the usual form one registration book, with a certificate thereon, for each voting place in the State ; also the duplicate certificate and county certificate, and send the same to the several sheriffs, who should see that they were delivered and used at the various voting places as herein required ; and whereas, by the provisions of said act it was made the further duty of the Secretary of State to have the said act advertised in one weekly newspaper having the largest circulation in each county of this Commonwealth wherein there is such a paper published for two weeks, and two of the daily papers of the city of Louisville for ten days immediately preceding the election, and in every county to cause to be posted at the court-house door a copy of the said act, printed in handbill form, for at least four consecutive weeks before the election therein provided for ; and whereas, by said act it was also made the duty of the Public Printer to print ten thousand copies of the said act upon a separate sheet of paper and deliver them to the Secretary of State, and it was made the duty of said Secretary of State to forward the same to the county clerks of the various counties in this State in such numbers as to provide at least two copies thereof for each voting precinct, to be delivered by the clerks to the sheriffs or other officers acting in the place thereof, whose duty it was to post one copy of said act at each voting place, and another copy at some other suitable public place in said precinct four weeks prior to the election ; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the secretary of State and Public Printer of the State of Kentucky be, and are hereby, requested and directed to report, in writing, to this

House, for its information, how they have complied with the provisions of said act.

2. That the Clerk of this House be directed to furnish to each of said officers, as early as practicable, a copy of these resolutions.

Approved January 30, 1890.

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No. 21.

RESOLUTION concerning the World's Fair.

WHEREAS, The World's Fair is to be held in one thousand eight hundred and ninety-two, the primary object of which is to exhibit America's growth and greatness; and whereas, the peculiar American spirit of enterprise and progress, the greatest factor in said greatness, has reached the highest and most perfect development in the "Great West;" therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That it is the sense of the General Assembly of the Commonwealth of Kentucky that some city west of the Allegheny Mountains is the most suitable and proper place at which to hold said World's Fair, and Kentucky's Senators and Representatives in Congress are urged to use all proper means to have said fair held at such city.

2. This resolution to take effect from its adoption.

Approved February 1, 1890.

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No. 22.

RESOLUTION raising a joint committee to visit the asylums for the insane of this Commonwealth.

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That the Committees on Charitable Institutions of each House be, and are hereby, appointed a joint

committee to visit the public lunatic asylums of this State, and confer with the superintendents and boards of commissioners, and ascertain what additional legislation is needed, if any, to further promote the usefulness of these institutions, and report any and all other information connected therewith that they may deem essential.

2. This resolution to take effect from and after its adoption.

Approved February 1, 1890.

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No. 23.

RESOLUTION relative to Feeble-minded Institute.

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That the Committee on Charitable Institutions of each House be, and are hereby, appointed a joint committee to visit the Feeble-minded Institute and confer with the superintendent and board of commissioners, and ascertain what legislation is necessary (if any) to promote greater usefulness of that Institution.

2. This resolution to take effect from its adoption.

Approved February 1, 1890.

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No. 24.

RESOLUTION authorizing the Auditor and the Treasurer to sell old coins now in the Treasurer's office, and credit the same to the Tate defalcation.

WHEREAS, The commissioners appointed by His Excellency, the Governor, under the provisions of the General Statutes, to settle and state the accounts of the late Treasurer, J. W. Tate, and to turn the office over to his successor, found in the vaults of the

Treasury certain gold and silver coins of various denominations, which were not available for the purpose of a circulating medium, but which have an intrinsic value, and are the property of the State; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the Auditor of Public Accounts and the Treasurer be, and they are hereby, authorized to sell, at public auction, after duly advertising time and place of sale, said coins, and to cover the proceeds thereof into the Treasury; and the Auditor is directed to credit the account of the Tate defalcation with whatever sum may be realized therefrom.

2. This resolution shall take effect from its passage.

Approved February 5, 1890.

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No. 25.

RESOLUTION directing the State Librarian to procure and hoist a flag over the State Capitol.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the State Librarian is hereby directed to procure and hoist over the Capitol a large flag of the United States colors, to remain hoisted during the session of the General Assembly.

2. The Auditor is directed to draw his warrant on the Treasurer in favor of the State Librarian for the cost of said flag and the services for hoisting same.

3. This resolution to take effect from and after its adoption.

Approved February 10, 1890.



## No. 26.

**RESOLUTION** providing for a committee to investigate the Mason and Foard Company.

WHEREAS, It is currently reported that the Mason and Foard Company, lessees of the labor in the State prisons, have repeatedly violated the obligations entered into by them with the State of Kentucky ; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That a committee of seven, four from the House and three from the Senate, to be appointed by the respective Speakers thereof, shall be raised for the purpose of investigating such charges, and all other matters affecting the State's interest as involved in the contracts existing between the State and the Mason and Foard Company. That such committee shall have power to summon and compel the attendance of witnesses, the production of papers, and to employ a stenographer for properly taking and preserving testimony.

2. This resolution shall take effect and be in force from and after its passage.

Approved February 10, 1890.

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No. 27.

**RESOLUTION** raising a joint committee to visit and investigate the condition of affairs concerning the Branch Penitentiary at Eddyville.

*Be it resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the Committee on Penitentiary and House of Reform of the Senate, and the Committee on State Prisons of the House be, and are hereby, appointed a joint committee to visit the Branch Penitentiary at

Eddyville, and report to each respective House the condition at that institution, and report any and all information affecting said Eddyville prison they deem essential, with the powers and rights to send for persons and papers.

2. This resolution to take effect from its adoption.

Approved February 10, 1890.

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No. 28.

RESOLUTION requesting our Senators and Representatives in Congress to favor an appropriation for the improvement of the Cumberland and Tennessee rivers.

WHEREAS, The river and harbor bill, passed by the Congress of the United States in one thousand eight hundred and eighty-two, contained the following important provision, to wit: "To make such survey and report as to placing locks and dams on the Cumberland river from Nashville, Tennessee, to the Cincinnati Southern Railroad, in Kentucky, as, in the opinion of the Secretary of War, is necessary to complete the examination and report of said river, said report to be:

"1. As to the practicability of the work.

"2. Its probable cost from Nashville to the Kentucky line.

"3. The cost from the Kentucky line to the Cincinnati Southern Railroad.

"4. The cost of locking and damming so as to improve Smith's Shoals;" and whereas, in pursuance of said provision, such survey has been completed, and the report thereon shows that said work is practicable, and that to secure slack-water navigation all the year round between Nashville, Tennessee, and the Cincinnati Southern Railroad, in Kentucky, will require three million two hundred and two thousand nine hundred and twenty-two dollars. Said estimates being divided as follows: From Nashville, Tennes-

see, to the Kentucky line, one million nine hundred and eighty-seven thousand five hundred and thirty-six dollars; from the Kentucky line to the Cincinnati Southern Railroad, one million two hundred and fifteen thousand three hundred and eighty-six dollars. The estimated cost of locking and damming Smith's Shoals to the coal field above the Cincinnati Southern Railroad, eight hundred and seventy-five thousand dollars; and whereas, Congress has approved said report, and has made three several appropriations, aggregating three hundred and twenty-five thousand dollars, for the purpose of constructing locks and dams on said river in Tennessee above Nashville; and whereas, the construction of lock number one, at Nashville, Tennessee, is now in progress; and whereas, the interests of the people of Kentucky demand that said river be improved in this State at the same time that said improvement continues in Tennessee; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That our Senators and Representatives in Congress be requested to favor a liberal appropriation, at the present session, for the improvement of the Cumberland river, in Kentucky, in addition to an appropriation for the improvement of said river in Tennessee, above Nashville, and also an appropriation for the improvement of Smith's Shoals to the coal field above the Cincinnati Southern Railroad.

2. This resolution to take effect from and after its passage.

Approved February 15, 1890.

## No. 29.

JOINT RESOLUTION of respect to the memory of Hon. J. M. Bigger.

WHEREAS, This General Assembly has learned with regret that, since the adjournment of the last session of the Legislature, "The Great Law Giver of the Universe" has taken from the busy walks of life the Hon. Joseph M. Bigger, ex-Speaker of the House of Representatives of Kentucky; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That in the death of Hon. J. M. Bigger Kentucky has lost one of her most prominent statesmen; the judiciary and bar one of their most profound jurists; society one of its most exemplary and brightest ornaments, and his noble wife a most devoted husband. *And be it further resolved*, That we extend to the family of the deceased our sincere and heartfelt sympathy, and that the Clerks of both Houses send an attested copy of these resolutions to the family of the distinguished dead; and that, as a further token of respect, this body do now adjourn.

This resolution to take effect from its passage.

Approved February 15, 1890.

## No. 30.

RESOLUTION of respect and sympathy extended Hon. Benj. F. Tracy, Secretary of the Navy.

WHEREAS, This General Assembly has heard with regret and unfeigned sorrow of the sad accident by fire, in the city of Washington, on the fourth instant, by which Hon. Benj. F. Tracy, Secretary of the Navy, in the burning of his residence, was bereaved of his

wife and daughter, and himself and other members of his family brought near to death's door; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That we do hereby tender to Hon. Benj. F. Tracy our heartfelt sympathy in his great affliction : *And be it further resolved*, That a copy of this resolution, attested by the Speakers and Clerks of both Houses, be forwarded by the Clerk of the Senate to the said Hon. B. F. Tracy.

2. This resolution to take effect from its adoption.

Approved February 15, 1890.

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No. 31.

RESOLUTION in relation to the improvement of the Kentucky river.

WHEREAS, The State of Kentucky, by act of the General Assembly, has transferred and ceded to the United States the locks and dams constructed by the State on the Kentucky river, together with all the ground and appurtenances thereunto belonging, for the purpose of enabling the United States to continue the slack-water navigation of said river to the inexhaustible supplies of coal, iron and timber on the upper waters of said river; and whereas, the appropriations heretofore made by the Congress of the United States for the further improvement of said river since said act of cession have been expended and exhausted, and lock number six and the lock at Beattyville, at the Three Forks, are incomplete, and the work thereon has progressed to such an extent that the structures, in their present condition, are liable to be destroyed by floods; and whereas, the estimates made by the department of engineers show that the cost of completing the locks and dams now in course of construction, and the other locks and dams necessary to provide continuous slack-water

navigation from the mouth of said river to the Three Forks at Beattyville, thereby opening up to the commercial world a territory unsurpassed in the United States in mineral and timber wealth, the development of which will add millions of dollars to the taxable wealth of the people of Kentucky, and will contribute largely to the comfort and growth of the United States, will be insignificant as compared with the resultant benefits; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That our Senators and Representatives in the Congress of the United States be instructed and requested to urge upon that body the appropriation of such sum of money as will insure the speedy completion of locks and dams in course of construction, and the erection of the other locks and dams necessary to complete said improvement and provide said slack-water navigation at the earliest practicable time, and thereby secure to the people of Kentucky and of the Ohio and Mississippi valleys the incalculable benefits which will surely result therefrom.

2. That the Governor of this State be requested to forward to each of our Senators and Representatives aforesaid a copy of this preamble and resolution.

Approved February 18, 1890.

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No. 32.

RESOLUTION extending the present session of the General Assembly beyond the constitutional limit of sixty days.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That the present session of the General Assembly be, and the same is hereby, extended beyond the constitutional limit of sixty days.

2. This resolution to take effect upon its adoption.

Approved February 20, 1890.

## No. 33.

**RESOLUTION** providing for an investigation of the Louisville Gas Company.

WHEREAS, Through the public prints and in general comment, statements have been made to the effect that the Louisville Gas Company, a corporation chartered by the General Assembly of Kentucky, is openly, seriously and flagrantly violating many provisions of its charter; and whereas, said provisions are embodied in the charter of the Louisville Gas Company for the protection of the citizens of Louisville; and whereas, the said Louisville Gas Company in so openly, seriously and flagrantly violating such provisions, has forfeited its charter; and whereas, it has been commonly rumored that the Louisville Gas Company has not kept faith with the city of Louisville in the quality of light furnished, or with its patrons in the price charged for fuel and other gas; and whereas, it is a matter of public notoriety that the said gas company has attempted to interfere with the election of local and State officers by the illegal use of money; be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That a committee of five be appointed by the Speaker of the Senate, to act in conjunction with a like committee appointed by the Speaker of the House, to investigate the affairs of the Louisville Gas Company, to summon witnesses and swear the same, examine its books, and to be invested with full power to carry out the spirit of these resolutions, and report the result of such investigation to this body; that the joint committee acting under this resolution shall have leave to report the result of their investigation to their respective bodies at any time.

2. This resolution to take effect from and after its adoption.

Approved February 21, 1890.

## No. 34.

RESOLUTION urging the passage of a bill by Congress for the benefit of the Big Sandy river.

WHEREAS, There is a bill now pending in the Congress of the United States to appropriate money to complete the work of locking and damming the Big Sandy river, which would render more accessible the inexhaustible supplies of mineral and timber, and the vast agricultural products of the Sandy Valley; now, therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That our Senators in Congress be instructed, and our Representatives requested, to urge and use all honorable means to secure the passage of said bill.

2. That His Excellency, the Governor, is hereby requested to have forwarded to each of the Senators and Representatives from this State in Congress a copy of this preamble and resolution.

3. This resolution shall take effect from its adoption.

Approved February 25, 1890.

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No. 35.

RESOLUTION authorizing and directing the Auditor of Public Accounts to place certain moneys to the credit of the State Treasurer.

WHEREAS, It appears that there are unpaid balances in the Branch Bank of Kentucky, at Frankfort, to the credit of Alfred Allen and James H. Garrard, former Treasurers of the State of Kentucky, which is the property of the State of Kentucky; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That the Auditor of Public Accounts be, and



he is hereby, authorized and directed to cause the amounts thus remaining to be paid into the Treasury of Kentucky to the credit of the present Treasurer, and charge the same to him under an appropriate entry in the books of the Auditor's office.

2. This resolution to take effect from its passage.

Approved February 25, 1890.

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No. 36.

A RESOLUTION for the benefit of John Thompson.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of John Thompson for one dollar and fifty cents per day for making fires and cleaning up Representative Chamber of Kentucky.

2. This resolution to take effect from its adoption.

Approved March 1, 1890.

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No. 37.

RESOLUTION raising a special joint committee to consider the propriety of redistricting the State into Congressional districts.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That a special joint committee, to be composed of eleven Senators, to be appointed by the Speaker of the Senate, one from each Congressional district, and twenty-two Representatives, to be appointed by the Speaker of the House of Representatives, two from each Congressional district, is hereby raised for the purpose of considering the propriety of redistricting the State into Congressional districts; and they shall

report by bill or otherwise, and shall have the right to report at any time.

2. This resolution shall take effect from its adoption.

Approved March 6, 1890.

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No. 38.

RESOLUTION raising a joint committee to examine the books, affairs, and so forth, of the Agricultural and Mechanical College.

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

That a committee of five members of the House and three from the Senate, to be appointed by the respective Speakers thereof, be, and are hereby, appointed and instructed as a joint committee to make a full and complete investigation of all matters connected with the Agricultural and Mechanical College of Kentucky, namely: They are directed and instructed to inquire into and report to this General Assembly the various sources of revenue attached to this institution and the amount realized therefrom.

They will also report what amount of property, real and personal, is held by said institution, and how said property was derived.

They are also further instructed to investigate and report what expenditures have been made by said College since one thousand eight hundred and eighty-three, and the consecutive years thereafter until now, and whether these expenditures are represented by proper vouchers.

They will report the number of students matriculated in this institution in the year one thousand eight hundred and eighty-three—four, and annually thereafter, and including the present collegiate year. They will also report the manner in which said institution is conducted, the number of professors, their

salaries, and the branches taught by them, their general fitness for their duties, and the progress made by the students under their instruction.

They will also report upon the number of buildings, their cost, capacity and condition, and the purposes for which they are used, upon the material, appliances, machinery, laboratories and museums, upon the botanical, geological, zoological and mineralogical equipments and collections, and generally upon the plant of the institution available for making the instruction of the class rooms effective.

They will also report, so far as ascertainable, the comparative resources and income of this and other institutions in neighboring States, founded under the act of Congress of one thousand eight hundred and sixty-two, upon the comparative endowments realized from the sale of their lands, upon the appropriations made by the States supplementary thereto, annual and special, upon their buildings, farms, grounds, laboratories and museums, and upon the comparative results therefrom.

They will also report upon what necessities there exist, if any, for additional appropriations to render the Agricultural and Mechanical College of Kentucky more effective in its operations.

They are authorized to summon witnesses and coerce their attendance and testimony, to require the production of books and papers, and to employ a stenographer.

The Auditor shall draw his warrant for all expenses incurred.

This resolution to take effect from its adoption.

Approved March 7, 1890.

## No. 39.

RESOLUTION directing the return to Governor, Senate bill one hundred and sixteen, entitled "An act to repeal an act to prevent the drifting of saw-logs below Salyersville, on the Licking river."

*Be it resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That Senate bill number one hundred and sixteen, entitled "An act to repeal an act, entitled 'An act to prevent the drifting of saw-logs on the Licking river below Salyersville,'" now on the Senate Clerk's desk, be returned to the Governor for his approval or disapproval, as to him may seem proper; and the Clerk of the Senate is directed to execute this resolution.

2. This resolution shall take effect from its adoption.

Approved March 11, 1890.

## No. 40.

RESOLUTION providing for the erection of a monument over the grave of Luke P. Blackburn, late Governor of Kentucky.

WHEREAS, The Hon. Luke P. Blackburn, late Governor of this State, and one of the most distinguished of its native-born citizens, departed this life on the fourteenth day of September, one thousand eight hundred and eighty-seven, and it being eminently proper that the Representatives of the people should pay a suitable tribute to his memory; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the Auditor of Public Accounts be, and he is, directed to draw his warrant upon the Treasurer for the sum of fifteen hundred dollars, payable out of any money in the Treasury not otherwise appro-

prised, for the purpose of erecting a suitable monument over his remains in the cemetery at Frankfort, Kentucky, under the order of His Excellency, the Governor of this Commonwealth.

2. This resolution shall take effect upon its adoption.

Approved March 18, 1890.

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No. 41.

A RESOLUTION providing for the relief of the sufferers from the recent tornado that passed through the State of Kentucky.

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That the Auditor of Public Accounts is hereby authorized to draw his warrant upon the Treasurer at once to relieve citizens of this State who are actual sufferers from the effects of the recent tornado. Such warrants to be drawn from time to time, and in such sums as may be deemed proper and necessary by the Governor and Auditor, the same not to exceed in the aggregate the sum of thirty thousand dollars, to be used as far as possible for supplying provisions, fuel, medicines, medical attention and shelter for such sufferers.

2. The Governor and Auditor may appoint or select local relief boards at each of said city, town or county when assistance is required, to assist in carrying out this resolution. They shall report in full the amount contributed to each city, town or county, and shall use only so much of the money hereby appropriated as they deem necessary upon satisfactory evidence.

3. No commission, board, agent or officer appointed or acting under this resolution shall charge or receive pay for such services, and each commission, board, agent or officer receiving or distributing

any of the money hereby appropriated shall file with the Auditor a voucher, showing the disposition of such sum as they or he may receive or distribute, which voucher the Auditor shall keep on file.

4. Any person who shall misappropriate or refuse to account for any money coming to his hands under this resolution shall be guilty of a high misdemeanor, and, upon indictment, may be fined or imprisoned, or both fined and imprisoned, at the discretion of the trial jury.

5. This resolution shall take effect and be in force from and after its adoption.

Approved April 4, 1890.

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No. 42.

RESOLUTION requesting the Senators and Representatives in Congress to aid in the passage of an act for the benefit of the heirs of Mrs. Catharine Morin.

WHEREAS, In September, October and November, one thousand eight hundred and sixty-two, the Ohio, Indiana and Michigan United States troops encamped on the farm of Mrs. Catharine Morin, a widow lady residing near Newport, Kentucky, in Campbell county, and while there so encamped built forts and magazines, dug, excavated and built about eight hundred yards of intrenchments and rifle pits through the most valuable portion of said farm, and took and converted her very valuable brick residence into a hospital for their sick and wounded soldiers for a period of about three months, and burned for fuel about one thousand panels of valuable plank fencing and posts, and cut and destroyed much valuable timber for fuel, the property of the said Catharine Morin, and otherwise, and in various ways, took and converted to the use of said soldiers the property of the said Mrs. Morin, to her great damage; and whereas, soon after

said damage was done by said soldiers said Mrs. Morin had the damage so done her by said soldiers assessed, made out her claim against the Government of the United States, asking that said claim be paid, which claim has been lost or mislaid by the attorney employed by her to prosecute the same, so that the claim has never been adjudicated nor paid ; now, therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That our Senators and Representatives in Congress be, and they are hereby, requested to do all in their power for the passage of a special act of Congress for the benefit of the heirs of the said Catharine Morin, providing for the payment by the United States Government of said damages to said heirs.

Approved April 3, 1890

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### No. 43.

**RESOLUTION** authorizing the State Teachers' Association to occupy Senate Chamber and House of Representatives for their June session, one thousand eight hundred and ninety.

**WHEREAS**, The State Teachers' Association for this Commonwealth meets in Frankfort on the twenty-fifth of June, one thousand eight hundred and ninety ; therefore, for the purpose of providing a suitable hall for such meeting, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the use of the Senate Chamber and House of Representatives is hereby tendered the said State Teachers' Association for the twenty-fifth, twenty-sixth and twenty-seventh days of June, one thousand eight hundred and ninety, and for such other days as may be necessary: *Provided*, The Legislature is

not then in session, and the use of Senate Chamber shall be such as not to interfere with the sittings of the Superior Court.

‡ 2. This resolution to be in full force and effect from its adoption.

Approved April 10, 1890.

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No. 44.

RESOLUTION allowing mileage to the Speaker of the Senate.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the Speaker of the Senate be allowed mileage for this session at the same rate per mile allowed to Senators and Representatives, the same to be paid by the Auditor of Public Accounts drawing his warrant upon the Treasury therefor when the same shall be certified to him by the Clerk of the Senate.

2. This resolution shall take effect from its adoption.

Approved April 16, 1890.

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No. 45.

RESOLUTION providing for the loan of guns belonging to the State to certain persons and organizations.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the Governor be, and is hereby, authorized to loan from the State Arsenal, to any institution of learning in this Commonwealth in which military science constitutes a part of the course of instruction, and to any camp of the Sons of Veterans applying therefor, any number of guns or muskets, of obsolete pattern, and accoutrements for same, not exceeding



forty guns to each school or college, nor more than twenty guns to any one camp of the Sons of Veterans ; but the persons borrowing such guns shall, before receiving same, execute bond to the Commonwealth, with surety to be approved by the Governor, for the safe-keeping and return of the borrowed property on demand of the Governor ; and for any violation of the covenants of any such bond suit may be brought against the obligors therein in the Franklin Circuit Court.

2. This resolution to take effect and be in force from and after its adoption.

Approved April 16, 1890.

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No. 46.

RESOLUTION requesting our Senators and Representatives in Congress to urge the passage of a bill granting a pension to John J. Tulley.

WHEREAS, John J. Tulley, a citizen of Louisville, Kentucky, and one of the three heroic men who devoted their lives and means to the saving of human life on the falls of Ohio river for seven years, and who was one of the originators of the present efficient Life-Saving Service at said falls ; and whereas, whilst in the service of the United States as a member of the said Life-Saving Service, and whilst on duty under orders of his chief on the falls saving the life of two fellow-beings, the boat in which he and others of the crew were was swept over the dam and capsized, and from the injuries received at the time and the exposure in the cold water he was permanently injured ; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That our Representatives and Senators in Congress be, and are hereby, requested to use all legal

means to obtain a pension for said Tulley from the government that he served so well and faithfully.

2. This resolution to take effect from and after its adoption.

[Became a law April 25, 1890, without approval of Governor.]

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No. 47.

RESOLUTION providing for the *sine die* adjournment of the General Assembly.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That when this General Assembly adjourn on Monday, the twelfth day of May, one thousand eight hundred and ninety, at twelve o'clock noon, that said adjournment shall be *sine die*.

2. This resolution to take effect from and after its adoption.

Approved April 29, 1890.

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No. 48.

RESOLUTION providing for the appointment of a committee to investigate the drainage of the lunatic asylum at Anchorage.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That a committee of five, to consist of two members of the Senate and three from the House of Representatives, to be appointed by the respective Speakers thereof, for the purpose of inquiring into the practicability of abating the nuisance said to exist from the imperfect and injurious system of drainage at and in the vicinity of Anchorage Asylum, and they will report as to any damage, if any, sustained by the people of the neighborhood, and report such measures as are practicable to abate the nuisance and protect the people.

2. They may employ such experts as may be necessary to draw up plans for improving the drainage, and for such other purposes as they may deem proper.

3. This resolution to take effect from and after its adoption.

Approved April 30, 1890.

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No. 49.

RESOLUTION asking an appropriation from Congress for the improvement of Licking river.

WHEREAS, The Licking river, if navigable, would be one of the most important factors in the development of a very large area of the richest mineral, timber and agricultural land in the world, and would add immensely to the material wealth and industry of the country; and whereas, said river is easily and reasonably susceptible of improvement by locking and damming; and whereas, the benefits of the small appropriations heretofore made by Congress for the improvement of said stream have been lost by failure to carry out and protect the works begun; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That our Senators and Representatives in Congress be, and they are hereby, requested to use their influence and endeavors to secure an appropriation from the Federal Government for the improvement of said river commensurate with the magnitude and importance of the proposed work.

2. That the Secretary of State be, and he is hereby, instructed to forward to each Senator and Representative in Congress from this State a copy of this resolution.

3. This resolution to take effect from its adoption.

Approved April 30, 1890.

## No. 50.

RESOLUTION in respect to the death of the Hon. James B. Beck.

Information having come to this General Assembly of the death of the Honorable James B. Beck, a Senator representing the Commonwealth of Kentucky in the Congress of the United States, it is proper that the two Houses shall express their appreciation of the calamity that has befallen the country, and take the necessary steps to manifest the respect, esteem and love of the people of Kentucky for this great and good man; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That in the death of James B. Beck the country at large sustains the loss of an enlightened and patriotic statesman, and the State of Kentucky its most distinguished citizen. Patient, laborious and intellectual, he brought to the discharge of his duties all the great powers, moral and mental, with which he was gifted by nature, and all the stores of political information he acquired by the untiring and unceasing industry for which he was so exceptionally distinguished. He was the champion and defender of the unrepresented people of the South in their darkest hours of adversity, and by his able and zealous services in their behalf deserved and secured their lasting gratitude. The adopted son of this Commonwealth, he gave to Kentucky and the people of Kentucky all the love of his strong and manly nature, and in return received the affectionate confidence and esteem of Kentuckians to an extent that has not been exceeded by any man, living or dead. As the representative of the Ashland district in the House of Representatives, and as a Senator sitting for Kentucky in the Congress of the United States, he was equal to every occasion, and upon many of the great questions of the day was

a recognized leader, without a peer in either of the great political parties. By his great public service, his devotion to duty and his love of country, he won national fame for himself, and reflected unmeasured honor and glory upon his people and his State, and dying he leaves no one able to fill his place.

2. *Be it further resolved*, That the Governor of the Commonwealth be, and he is, requested to cause the public buildings at Frankfort to be appropriately draped in mourning, with flag at half-mast, for the period of thirty days; that a joint committee of thirteen, five from the Senate and eight from the House of Representatives, to be named by the Speakers of the respective Houses, be, and the same is hereby, raised, with the Sergeant-at-Arms of the two Houses, to meet the remains of the distinguished dead at the eastern border of Kentucky, and to accompany them as an escort of honor on the part of Kentucky to their final resting place; that the Governor of the Commonwealth, the Lieutenant-Governor and the Speaker of the House of Representatives are each requested to accompany and act with the said committee, and that the General Assembly attend in a body the funeral ceremonies.

3. That these resolutions take effect from their adoption, and that a copy be forwarded to the family of the deceased, certified by the great seal of the Commonwealth.

Approved May 6, 1890.

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No 51.

RESOLUTION in relation to a public building at Bowling Green, Kentucky.

WHEREAS, A public building at Bowling Green, Kentucky, would be a great convenience to a large number of our citizens who pay annually a large revenue into the public treasury; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That our Senators and Representatives in the Federal Congress be, and they are hereby, requested to use their influence, and do what they can to get an appropriation from the Federal Government for the purpose of erecting a public building in the city of Bowling Green, Kentucky.

2. That the Secretary of State be directed to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

3. This resolution shall take effect from its adoption.

Approved May 6, 1890.

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No. 52.

RESOLUTION appropriating money to repair the Clay monument.

*Be it resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the sum of five hundred and fifty dollars be, and the same is hereby, appropriated for the purpose of making necessary repairs upon the Clay monument in the cemetery at Lexington, Kentucky. The Auditor is directed to draw his warrant upon the Treasurer for said sum, to be paid out of any money in his hands not otherwise appropriated. Said warrant shall be drawn in favor of the trustees of the Lexington Cemetery Company, paid over to them, and be applied by them in making said repairs.

2. Should any surplus remain in their hands after meeting the present exigencies, then said trustees shall hold whatever balance may thus remain, and apply the same to further repairs upon said monument as from time to time it may require attention.

This resolution shall take effect from and after its passage.

Approved May 9, 1890.

## No. 53.

**RESOLUTION** to extend the present session of the General Assembly indefinitely.

**WHEREAS**, Complications have arisen making it impossible, within the present limit, to complete pending business and elect a successor to Hon. James B. Beck, deceased; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That the present session of the General Assembly be extended indefinitely.
2. That this resolution shall take effect from its adoption.

Approved May 10, 1890.

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No. 60.

**RESOLUTION** raising a special legislative appropriation committee.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That a special legislative appropriation committee be raised, consisting of eight, three from the Senate and five from the House, to be appointed by the respective Speakers, whose duty it shall be to prepare a general appropriation bill, with the privilege of reporting at any time.

2. That this resolution take effect from its passage.

Approved May 28, 1890.

## RESOLUTIONS.

## No. 61.

RESOLUTION fixing the day of *sine die* adjournment.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That on Tuesday, the twenty-seventh day of May, one thousand eight hundred and ninety, at high noon, this General Assembly shall adjourn *sine die*.

2. This resolution shall take effect from and after its adoption.

Approved May 23, 1890.

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No. 62.

RESOLUTION for the benefit of Pat McDonald, B. W. Jenkins and James McAuliffe.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That the sum of twenty-five dollars be, and the same is hereby, appropriated to Pat McDonald for his services as Clerk of the Electoral College of Kentucky at its last meeting, and the sum of twelve dollars and fifty cents is also hereby appropriated to B. W. Jenkins as Sergeant-at-Arms of the same body; and the sum of twelve dollars and fifty cents is hereby appropriated to James McAuliffe as Door-keeper of the same, payable out of any money in the Treasury not otherwise appropriated; and the Auditor is hereby directed to draw his warrant on the Treasurer for said sums herein stated.

2. This resolution shall take effect from its passage.

Approved May 27, 1890.



## No. 63.

**RESOLUTION** for the benefit of James Coleman, Janitor of the Back Capitol.

WHEREAS, James Coleman, Janitor and keeper of the Back Capitol, received no allowance in the general appropriation bill, and receives only the two dollars and fifty cents allowed him by special resolution ; and whereas, said James Coleman and his son have been constantly present at said Back Capitol, not only during the day, but also until late at night, and have, by their faithful and efficient service, kept said Back Capitol in the best possible condition ; and whereas, the appropriation bill makes allowances to other employes in excess of the said two dollars and fifty cents, whose services and labors were not so great as the said Coleman ; and whereas, by reason of his son's constant attendance at said Back Capitol, the said two dollars and fifty cents is the only compensation for two persons ; now, therefore, in order to more nearly equalize the pay of the said James Coleman with the other employes, and to make his pay commensurate with the really good service rendered by the said Coleman, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the said James Coleman be allowed the sum of one dollar and fifty cents per day in addition to the two dollars and fifty cents allowed him by special resolution, making his pay four dollars per day, the same to be paid on the warrant of the Auditor, drawn on the Treasurer, out of any money in the Treasury not otherwise appropriated.

2. This resolution to take effect from its adoption.

Approved May 27, 1890.

## No. 65.

RESOLUTION providing for payment of expenses of special committee to visit Louisville to ascertain and report amount of damage done by tornado.

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of Robert Tyler for the sum of twenty-one dollars and ninety-five cents, to pay the expenses of the House committee appointed by the Speaker of the House to visit Louisville and ascertain the amount of damage done by the recent tornado.

2. That said Tyler shall distribute said money as follows: To B. R. Walker, five dollars and ninety-five cents; to W. M. Smith, four dollars; to R. C. Warren, four dollars; to Robert Tyler, four dollars; to W. T. Cox, four dollars.

3. This resolution to take effect from and after its passage.

Approved May 27, 1890.

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LOCAL AND PRIVATE ACTS  
OF THE  
STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE GENERAL  
ASSEMBLY, WHICH WAS BEGUN AND HELD IN  
THE CITY OF FRANKFORT, ON MONDAY,  
THE THIRTIETH DAY OF DECEMBER,  
EIGHTEEN HUNDRED AND  
EIGHTY-NINE.

---

S. B. BUCKNER, *Governor.*  
JAS. W. BRYAN, *Lieut.-Gov., Speaker of Senate.*  
HARVEY MYERS, *Spkr. House of Representatives.*  
GEO. M. ADAMS, *Secretary of State.*  
P. W. HARDIN, *Attorney General.*

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CHAPTER 1.

AN ACT to amend the charter of the town of Catlettsburg.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section five of the charter of the town of Catlettsburg, approved January twenty-eighth, one thousand eight hundred and sixty-eight, be, and is hereby, amended in this: That hereafter the marshal

of said town shall be elected by the qualified voters of said town at the next annual election in said town for police judge and trustees, and every two years thereafter, and shall hold his office for and during the term of two years next after his election, and until his successor in office shall be qualified.

§ 2. This act shall take effect from its passage.

HARVEY MYERS,

*Speaker House of Representatives.*

JAMES W. BRYAN,

*Speaker Senate.*

Approved January 3, 1890.

S. B. BUCKNER.

By the Governor:

GEO. M. ADAMS,

*Secretary of State.*

## CHAPTER 2.

AN ACT to incorporate the Farmers' Tobacco Bank, at Fulton, Fulton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Name and powers.

§ 1. That there is hereby established in the town of Fulton, Fulton county, a bank, to be known as the Farmers' Tobacco Bank, with a capital of one hundred thousand dollars, in shares of one hundred dollars each; and the subscribers to said stock, their associates, successors and assigns, shall be a body-politic and corporate by the name and style of the Farmers' Tobacco Bank, and shall so continue for the time of thirty years from the date of its organization, unless sooner dissolved by a majority in interest of the stockholders. Said bank shall have and may exercise all the rights and privileges of a natural person in contracting and being contracted with, and as such may sue and be sued, and plead, answer and



defend in any court or place whatever, and may have and use a common seal, and change the same at pleasure.

§ 2. Said bank shall be under the control and management of a board of eleven directors, who shall hold their offices until their successors are elected and qualified, and after the first election under this charter they shall be elected annually on the first Monday in January in each year, or as soon as possible thereafter, and in case of a vacancy from any cause the remaining directors may fill the same with other stockholders. A majority shall constitute a quorum for the transaction of business; they shall elect one of their number president; they shall have power to sell any of their stock not subscribed for; to declare dividends arising out of the profits of the business of said bank; to appoint such officers, agents and employes as may be necessary to properly conduct the business of said bank, and pay them for their services; and may take such bonds from the president, cashier or other employes of said bank as may be deemed necessary to insure a faithful performance of their respective duties, and may make and enforce such by-laws as may be deemed necessary for the proper management and control of said bank: *Provided*, The same be not inconsistent with the Constitution or laws of this State or of the United States.

§ 3. That J. S. Murphy, W. J. Burnett, J. W. Chambers, W. H. Phipps, A. P. Cradle, F. M. McFarland, S. S. Nix, W. P. Felts, A. B. Davis, P. H. Brooks and W. H. Howard are hereby constituted and appointed a board of directors for said bank, to hold as such until their successors are elected and qualified, who shall provide for an election of directors by the stockholders in one month after its organization, by causing the cashier to give at least ten days' notice to all the stockholders, by publication in some newspaper printed in Fulton, or by written or printed notices through the mails of the proposed time and place of

said meeting, at which every stockholder shall be entitled to cast one vote, in person or by written proxy, for each share of stock owned by him, and on which he has paid in full all the called installments due at the date of said election.

To commence  
business.

§ 4. That as soon as it shall appear, upon the written affidavit of the cashier of said bank, made before the county judge, some justice of the peace or some notary public, that one thousand shares of the capital stock of said bank have been subscribed for, and that thirty thousand dollars of said capital stock has actually been paid in, said bank may organize and begin business.

When calls to be  
made.

§ 5. That after the organization of said bank the calls for payments of installments on the subscriptions of stock shall not at any one time exceed ten dollars per share, nor be made oftener than one call per month; and at least ten days' written notice by the cashier shall be given each subscriber through the mails of the time such installment will be due; and any share of stock on which any called installment is at any time thirty days over due may be declared forfeited by the board of directors, after ten days' written notice by the cashier through the mails to the owner thereof of their intention to forfeit same, provided same still remains unpaid. All shares of stock so forfeited by the board shall be sold at public auction, after notice to pay first all such due or overdue installments to the bank and the expenses of making the sale, and the remainder, if any, shall be placed to the credit of the stockholder in the books of the bank, and notice shall be given him of the amount thereof.

Liability of  
stockholders.

§ 6. That the stock of said bank shall be deemed personal property, and shall be transferable only on the books of the bank by the stockholder, his agent or attorney, under such rules and regulations as the directors shall, from time to time, prescribe; and every stockholder shall be individually liable to the cred-

itors of the bank for the full amount of the unpaid stock owned by them.

§ 7. Said bank, when organized, may receive de- Deposits.  
posits of gold and silver coin, bank notes, and all other notes which may lawfully be circulated as money, and repay the same in such manner and at such times as may be agreed upon with the depositor by general or special contract ; may transact a general banking business, loan money, discount paper, buy and sell bills of exchange, promissory notes, stocks, bonds and other evidences of debt ; said evidences of debt, when bought, sold or discounted by said bank, to have the qualities of negotiable paper, not inconsistent with the general laws of the Commonwealth ; take personal, collateral or other security for the payment of the same, and dispose of such stocks, bonds and securities in accordance with the provisions of an act, entitled "An act for the benefit of incorporated banks of Kentucky," approved March sixteenth, one thousand eight hundred and seventy-one.

§ 8. Said bank may acquire, hold and use such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security for or purchased in satisfaction of any debt, judgment or decree, and may sell and convey the same, and may buy its own stock in satisfaction of any such debt, judgment or decree ; but no real estate purchased by it in satisfaction of any debt, judgment or decree shall be held by it for a longer period than five years. May acquire property.

§ 9. Said bank may receive deposits from minors Deposits from  
and married women, and the receipts and acquittances minors and married women.  
of such minors and married women shall be valid and binding.

§ 10. The president, directors, cashier and other Officers' bond.  
officers of said bank, before entering upon the discharge of their respective duties, shall each take an oath before some one legally authorized to administer an oath, faithfully and to the best of their skill,

ability and judgment to discharge all the duties of their respective offices or stations under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation, and that they will not sanction or permit the violation of any of the provisions of this charter during their continuance in office.

§ 11. The Legislature reserves the right to amend, alter or repeal this charter at pleasure.

§ 12. This act shall take effect from and after its passage.

Approved January 7, 1890.

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### CHAPTER 3.

AN ACT extending the corporate limits of the city of Cloverport.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Defining limits. § 1. That the corporate limits of the city of Cloverport are extended so as to include within the corporate limits of the said city all the land and territory included within the following boundary, to-wit: Beginning at a point on the Ohio river, at a stake and stone; thence in a direct line to telegraph pole number one thousand six hundred and twenty-four and a stone in the line of the Louisville, St. Louis and Texas Railway; thence continuing said line to Oglesby's wagon road; thence with said road eastwardly to the line of the Cloverport Oil and Coal Company's land (the line between said company and Oglesby's land); thence with said line southward to LaHeist's line; thence eastwardly with said LaHeist's line to the east line of Elm street; thence four hundred feet the same course to a stake and stone in LaHeist field; thence northward in a straight line to John T. Patterson's corner; thence with Patterson's eastern line to Fourth street, near the Cloverport Mineral Company's gas well

number one. And the territory so added to said city shall be within the jurisdiction and under the municipal control of said city as the original territory of said city, and shall be so subject to the provisions of the charter of said city as if originally incorporated in said city, except that the land embraced in said added territory shall not be subject to municipal taxation <sup>Taxation.</sup> until streets leading thereto and through the same <sup>Exemption.</sup> shall have been acquired by said city and opened for public travel: *Provided*, The land occupied by the machine shops and railroad tracks tributary thereto of the Louisville, St. Louis and Texas Railway Company, and all the property, real and personal, belonging to and appurtenant to said machine shops, shall be subject to municipal taxation from and after the passage of this act, as provided by the contract of said city with said railroad company.

§ 2. The said city is hereby empowered and authorized to lay off said added territory into squares, lots and divisions, and to acquire, by contract or by condemnation proceedings, such necessary streets and alleys and ground and lots for public uses as may be deemed proper by the mayor and council of said city. <sup>Power to lay out streets.</sup>

§ 3. Lands for the purposes aforesaid, if they can <sup>Power to condemn.</sup> not be acquired by agreement with the owners, may be condemned as public highways are now condemned.

§ 4. The said city council is hereby authorized to <sup>Survey, plat and record.</sup> procure said added territory to be surveyed and mapped, and to have said map and plat and field notes of the survey recorded in the clerk's office of the Breckinridge County Court, and when so recorded, certified copies thereof shall be evidence in all the courts of this Commonwealth.

§ 5. This act shall take effect and be in force from and after its passage.

Approved January 8, 1890.

## CHAPTER 5.

AN ACT to change and fix the time of laying the county levy and levying the ad valorem taxes for McCracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the levy for taxes for McCracken county shall be made at the January term of the court of claims for said county, and the regular county levy shall also be made at that time.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall take effect from its passage.

Approved January 8, 1890.

## CHAPTER 6.

AN ACT to amend an act, entitled "An act creating the office of collector of taxes for McCracken county, levied and to be levied by the county court of said county for the exclusive purposes of the county, and to pay its debts, and defining the duties of such collector."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the word June, in the sixth line of section one of an act, entitled "An act creating the office of collector of taxes for McCracken county, levied and to be levied by the county court of said county for the exclusive purposes of the county, and to pay its debts, and defining the duties of such collector," which constitutes chapter nine hundred and seventy-six of volume two, Session Acts one thousand eight hundred and eighty three-eighty-four, be, and the same is hereby, stricken out, and the word January inserted in lieu thereof.

§ 2. This act shall take effect from its passage.

Approved January 8, 1890.

CHAPTER 7.

AN ACT to repeal an act, entitled "An act to authorize the people of Lincoln county to vote on prohibiting the sale of liquors, and fixing the penalty for the sale of liquors in said county," approved April fourteenth, one thousand eight hundred and eighty-six, said county to vote on said repeal.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to authorize the people of Lincoln county to vote on prohibiting the sale of liquors, and fixing the penalty for the sale of liquors in said county," approved April fourteenth, one thousand eight hundred and eighty-six, be, and is hereby, repealed. Repeal act of 1886.

§ 2. This act, repealing the act aforesaid, shall not take effect until ratified by a majority of the votes cast at the election hereinafter provided for. To take effect.

§ 3. The county court of Lincoln county shall order an election to be held at the various voting places of said county on Saturday, the fifteenth day of February, one thousand eight hundred and ninety, at which all legally qualified voters of the county shall be entitled to vote, and shall appoint the necessary officers to hold said election. The polls shall be kept open from seven o'clock, before noon, until six o'clock after noon, and the question shall be propounded by the officers to each voter: "Are you for or against repealing the present prohibitory liquor law of Lincoln county?" And his vote shall be recorded according to his answer. Duties of county court.

§ 4. The poll-books of the election ordered by the third section of this act shall be returned to the office of the clerk of Lincoln county by Wednesday after the election, sealed and signed as other poll-books are required to be by law, and shall be opened and compared by the judge, sheriff and clerk of said court, the result ascertained and declared by an entry on the Election. Poll-books.

**Result.** order book of the county court. If a majority of the votes cast are in favor of a repeal of the prohibitory law aforesaid, then the first section of this act shall take effect forthwith; but if a contrary result be declared, then the said first section of this act shall be inoperative.

**When another vote may be taken.** § 5. Whatever may be the result of said election, the county court may, not less than three years thereafter, and upon each recurring three years, upon the written application of not less than five hundred of the legal and qualified voters of Lincoln county, order an election as provided for in section three of this act, at which the same question shall be submitted to the voters of said county, and the result whereof shall be ascertained and declared, and have the same effect as provided for in section four of this act: *Provided, however,* That no election shall be had under this section until at least twenty days' notice thereof shall have been given by publication in the Stanford Interior Journal, or a newspaper published at Stanford, Kentucky.

**Publication.**

§ 6. This act, in so far as it authorizes the election provided for herein, shall take effect from its passage.

Approved January 8, 1890.

## CHAPTER 8.

AN ACT to amend an act, entitled "An act to incorporate the Shelby Loan Company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section fourteen of said act, entitled "An act to incorporate the Shelby Loan Company," be, and the same is hereby, repealed, and in its place the following shall be substituted, namely: "The principal office of said company shall be at the office of the



Deposit Bank of Waddy, at Waddy's Station, in Shelby county, Kentucky, and the board of directors shall keep a record of their proceedings."

§ 2. This act shall take effect from its passage.

Approved January 9, 1890.

## CHAPTER 9.

AN ACT to incorporate the Deposit Bank of Waddy, Shelby county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established in the town of Capital stock. Waddy, Shelby county, Kentucky, a bank with a capital stock of twenty-five thousand dollars, in shares of one hundred dollars each par value, which may be increased, from time to time, as the board of directors may deem advisable, to any sum not exceeding fifty thousand dollars; and the subscribers, their associates, successors and assigns shall be a body-politic and corporate, by the name of Deposit Bank of Waddy, and shall have perpetual succession, with Powers. all the rights and privileges of a natural person, in its said corporate name, in contracting and being contracted with, in suing and being sued, and of impleading, answering and defending in all courts and places whatever, and shall have all other rights and powers usual and incident to such corporations; and may have and use a common seal, and change the same at pleasure.

§ 2. The property, business and affairs of said cor- Management of business. poration shall be under the management, government and control of a board of directors, to consist of not less than nine nor more than thirteen persons, as the by-laws may, from time to time, regulate and prescribe, one of whom shall be elected by the board of directors as president of the bank, also one of the board of directors shall be elected vice-president by

Board of directors.

said board of directors, and G. W. Waddy, J. T. Campbell, T. M. Waddy, Wm. Bullard, G. W. Robertson, C. A. McCormick, C. Garrett, W. H. Tipton, T. J. Gill, N. F. Nash, A. C. Smith, Chas. Ware, J. W. Carpenter are hereby constituted and appointed a board of directors for said bank, to serve as such until their successors are elected and qualified ; and in case of a vacancy or vacancies occurring in the board, the remaining directors shall have power to appoint a qualified stockholder to fill it until the next regular election ; and the first regular election shall be held on the first Tuesday in January, one thousand eight hundred and ninety-one, and thereafter on the first Tuesday in January of each succeeding year, or if, from any cause, such election is not held on that day, then it shall be held as soon thereafter as convenient ; and all elections of directors shall be held by the stockholders, and shall be held at the place of business of the bank, and notice of which shall be mailed each stockholder at least two weeks preceding each election ; and such elections shall be held under the inspection of two or more persons to be appointed by the board of directors, who shall certify the result under their respective signatures, and a plurality of votes cast shall elect ; and at all meetings of the directors for said bank any five of the qualified directors present may constitute a quorum to transact business, and each stockholder shall be entitled to one vote for each share of stock which he may own, and may cast the same in person or by proxy, in writing ; and the board of directors may provide a form for the appointment of proxies, and specify the evidence that shall be required in execution thereof ; and in all cases directors shall continue in office until their successors are elected and qualified. No one shall be elected director who is not a stockholder.

§ 3. The stock heretofore subscribed and the names of the subscribers contained in written articles of agreement now in the hands of R. R. Sandusky,

Stock subscribed.

shall be entered at large upon the stock subscription book of said bank. Each subscriber aforesaid shall be entitled to a certificate of each share of his stock so subscribed when paid up by him, and said subscribers shall pay up said stock on calls as made by the board of directors; and all subscribers for the capital stock of said bank as shall fail to pay the first call on each share subscribed for at such time and place as may be designated by the persons named in the second section of this act, shall cease to be stockholders, and the stock subscribed for by them may be subscribed for by others under the directions of said persons named in the second section of this act; and in case any subscriber shall fail to pay any subsequent call made by the board of directors (who are hereby authorized to make such calls) for the unpaid balance of his subscription, and remain in default for sixty days from the date of such a call, the board may, in its discretion, forfeit his stock for the benefit of the bank upon the bank refunding to him his money, and sell said stock to other parties; and when a sum equal to ten thousand dollars of the capital stock of said bank shall have been paid in, the bank may proceed to transact a general banking and financial business, and may lend money, discount promissory notes, buy and sell exchange, stocks, bonds, mortgages and other evidences of debt, and take personal and other securities for same. The said bank shall have the power to make advances on approved securities upon agricultural products, including growing crops, and upon all manufactures and fixtures as personal property. It may receive in pledge or as security for money loaned or debts owing it bonds, stocks, produce and merchandise, United States vouchers, certificates or bonds of indebtedness, or the bonds of this or any other State, city, or county or company, and secure any debt or liability to said bank by mortgage on any real or personal property in or out of this State, and sell the same on the non-payment of

General powers.

the debt or demand by ordinary course of judicial proceedings.

Deposits. § 4. Said bank may receive deposits of gold, silver, bank notes or other currency, and repay the same in kind, or as may be agreed upon with the depositors by special or general contract, and may allow interest on deposits; it may issue certificates of credit payable throughout the United States and elsewhere for the convenience of merchants and travelers, but shall not issue any notes or bills to circulate as money.

§ 5. The said bank may acquire, hold, possess, use, occupy and enjoy all such real and personal property, goods, chattels and other things as may be convenient for the transaction of its business, or which may be pledged or conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey or otherwise dispose of the same as a natural person: *Provided*, That said bank shall not hold any real estate conveyed to it as security for or in payment, in whole or part, of any debt, judgment or decree for a longer period than five years.

Safety vault. § 6. Said corporation may build a safety vault, with a number of small compartments or boxes, designed and adapted for renting to persons or corporations, who desire to have a place of safe deposit for valuables; and said corporation is hereby empowered to rent out the boxes in such safety vault to such persons or corporations, and for such sums of money and for such time as may be agreed between such corporations and such persons as may jointly or severally rent one or more of said boxes or compartments.

Transfer of stock. § 7. That no transfer of stock shall be binding as to the bank until it shall have been notified thereof, and the same transfer has been entered upon the books of the corporation; and a lien is hereby created in favor of said corporation on the stock of each shareholder for any claim that the corporation may have for any unpaid part of his shares to said bank, or any other debt said share-holder may owe said bank.

§ 8. The board of directors of said bank are hereby <sup>By-laws and rules.</sup> authorized and empowered to enact and put in force such rules, by-laws and regulations for the management, government and control of its property, business and affairs as they may deem expedient, not inconsistent with the laws of this State or the United States, and alter, amend and repeal the same at will. They may appoint such officers, agents and servants as they may deem necessary to conduct the business of the bank, and pay them such sums for their services as they may think reasonable. The cashier <sup>Bonds of officers.</sup> and other officers, as the board of directors may require, shall, before entering their respective duties, execute a bond to the bank, with security approved by said board, and such conditions as they shall require, and to be renewed when demanded by said board; and upon any bonds thus taken recovery may be had for breaches of conditions thereof.

§ 9. The president, directors and other officers of <sup>Take oaths.</sup> this bank, previous to entering on the discharge of their duties, shall take an oath before some justice of the peace or notary public of this State faithfully, honestly and to the best of their abilities, skill and judgment, to discharge all the duties of their respective offices and stations under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation, and that they will not, during their continuance in office, knowingly sanction or permit any of the provisions of this charter to be violated.

§ 10. The stock of this bank shall be deemed personal property, and every stockholder shall be individually liable to the creditors of the bank to the full amount of stock subscribed for and owned by him.

§ 11. The cashier and clerks of this bank shall be prohibited to indorse any person's paper or bond, or to engage in any hazardous business.

§ 12. This act shall take effect from its passage.

Approved January 10, 1890,

## CHAPTER 10.

AN ACT to incorporate the Farmers and Merchants' Bank of Greenup.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That J. M. Sowards, Wm. Sowards and J. L. Sowards, and their successors and associates, be, and are hereby, declared, for the term of twenty-five years next ensuing after the passage of this act, a corporation, under the name of the Farmers and Merchants' Bank, with power to sue and be sued, contract and be contracted with, deal in bills of exchange and all other evidences of debt, to loan and borrow money, and generally do and perform all business usually done by banking associations, except issuing notes to be used as a circulating medium.

§ 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided in shares of one hundred dollars each ; and said bank may begin business when one hundred shares of said stock are subscribed for and paid up. The manner and time and terms of subscribing stock and mode shall be provided for by the by-laws enacted by said corporation or their successors.

§ 3. The officers of said company shall consist of a president, cashier and board of directors ; the number of directors and the manner and time of electing them, and the president and cashier, shall be fixed by the by-laws to be enacted by the corporation, but may be changed from time to time by the directors.

§ 4. The president of said bank shall make the returns as required by other banks chartered or incorporated in this Commonwealth, and pay same amount of taxes as paid by other banks for State, county and municipal purposes, and be entitled to same privileges and immunities as like institutions of this Commonwealth.

§ 5. This act to take effect from its passage.

Approved January 10, 1890.

## CHAPTER 11.

AN ACT to amend an act, entitled "An act to incorporate Hickman College," approved March second, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the act to incorporate Hickman College, in Fulton county, chapter three hundred and seventy-six, approved March second, one thousand eight hundred and eighty-eight, be, and the same is hereby, amended.

§ 2. That in section eight the words "first Saturday in May, at or near said college," shall be stricken out, and instead in lieu thereof the words, "first Wednesday in June, at the city hall in Hickman, Kentucky."

§ 3. This amendatory act shall take effect and be in full force from and after its passage.

Approved January 11, 1890.

## CHAPTER 12.

AN ACT to authorize the county court of Boyle county to subscribe to turnpike road companies in Boyle county, and levy a tax to pay for same.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county court of Boyle county, composed of the presiding judge and justices of the peace of said county, and a majority of said justices concurring therein, be, and they are authorized, to subscribe to the construction of any unfinished turnpike road in said county, or in any turnpike road hereafter proposed to be constructed in said county, a sum not

exceeding seven hundred and fifty dollars per mile for each and every mile of said road or fraction of a mile within said county of Boyle. And the said county shall be entitled to stock in the turnpike road company to the extent of its subscription. And said county shall have and be represented in the board of directors of the turnpike road company in the proportion that the county subscription bears to the cost of the road ; and said county director or directors shall be appointed by the county judge at such time and for such term as by the charter of the turnpike company the directors of the company shall be elected : *Provided*, That no subscription made by said county to any turnpike road company shall be binding on said county, nor be paid by said county, until the aggregate of all the good and unconditional and bona fide subscriptions, all of which shall be collectable by process of law (of which the county court shall be the judge), together with the amount of the county subscription, will be sufficient to build and pay for said turnpike road in full, and no debt on said roads be left unpaid at its completion.

§ 2. For the purpose of paying such subscriptions said county court is hereby authorized to levy annually a tax upon all property in said county subject to taxation for State revenue not exceeding ten cents on each one hundred dollars ; and the sheriff of said county, or other officer authorized to collect State taxes, shall collect such tax, and he and his sureties on his bond given for collection of the county levy shall be responsible therefor. The sheriff shall pay said taxes on or before the fifteenth day of November of each year to the county treasurer, and to be paid to the president or treasurer of the turnpike company on order of the county court, composed as aforesaid, after the approval and acceptance by said court of the work done. Said sheriff shall have same power to levy and distrain for said taxes, and to sell property therefor, proceeding as directed by law in mak-



ing levy and sale and giving notice thereof as in collection of State revenue.

§ 3. This act to take effect from its passage.

Approved January 11, 1890.

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## CHAPTER 13.

AN ACT to incorporate the Shelby County Co-operative Missionary Society of the Christian Church.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That H. Bailey, L. Chowning, J. H. Maddox, M. R. Walters and Newton Frazier, and their successors in office, be, and they are hereby, declared a body-politic and corporate, under the name and style of the Shelby County Co-operative Missionary Society of the Christian Church ; and by that name shall have perpetual succession and a common seal, and by and under that name may contract and be contracted with, sued and be sued as a natural person.

§ 2. That the corporation hereby created shall have power and authority to take or acquire, by purchase, devise, bequest, gift, grant or deed, any real, personal or mixed property, not exceeding one hundred thousand dollars.

§ 3. That all property of any kind taken or held by said corporation, or the income arising therefrom, shall be used in the teaching and advancement of the principles of primitive Christianity as taught by the Christian Church, sometimes called Disciples or Church of Christ ; the same to be used in Shelby county, Kentucky, and neighboring counties. Any gift, bequest, devise, grant or deed to said corporation may provide the manner and field when same is to be used ; and if it is so provided, the same shall be used in the field and in the manner so indicated : *Provided*, It is used in the teaching and the advancement of the aforesaid principles.

§ 4. Said corporation shall have the power to make all by-laws, rules and regulations deemed proper and expedient for the management of its business and affairs, not inconsistent with the Constitution and laws of the State of Kentucky and of the United States.

§ 5. The management of the business affairs of every kind of said corporation shall be conducted by an executive committee of five persons, to be elected each year at the annual meeting of said society. The five persons herein named shall constitute the executive committee until their successors are elected and qualified. The persons constituting the executive committee shall all be members of said Christian Church.

§ 6. Said executive committee shall have power to appoint such officers or agents as they may deem proper and necessary to conduct or assist in the conducting the business of said corporation, and require of them such bonds and surety as they think proper for the faithful performance of their duties, said bond or bonds to be taken to said corporation; and for any violation of same action may be had in name of said corporation in any courts of this Commonwealth having jurisdiction in such matters.

§ 7. This act shall take effect from and after its passage.

Approved January 11, 1890.

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## CHAPTER 14.

AN ACT to incorporate and to establish the Estill County Deposit Bank, of Irvine, Estill county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That H., C. Lilly, W. M. Miller, David Pryse, W. T. B. Williams, W. H. Lilly, James F. McKinney, Ben. C. Neal, James F. West, A. M.

Incorporators.

Scrivener, S. P. Richardson, together with their associates, successors and assigns, be, and they are hereby, appointed and made a corporation and body-politic, under the name and style of the Estill County Deposit Bank, of Irvine; and they shall continue for the period of twenty-five years from the date of the passage and approval of this charter; and by that name said persons, their associates, successors and assigns, are made capable in law to have, purchase, to receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, goods, chattels, public or private securities of any kind; to sue and to be sued; plead and to be impleaded; answer and to be answered; defend and to be defended in any court of record or in any other place whatsoever; also to make and to use a common seal, and the same to break, alter and to renew at pleasure, and to change their corporate name; also to ordain, establish and to put in execution such by-laws as may be necessary and convenient for the government of the said corporation not contrary to law. General powers.

§ 2. The capital stock of said bank shall not exceed the sum of fifty thousand dollars, and shall be divided into shares of one hundred dollars each. Capital stock.

§ 3. The corporators named in this act, or any two of them, shall, within twelve months from the passage of the same, open books for the subscription of the stock. When two hundred and fifty shares shall have been subscribed for, said corporators shall give notice of a meeting of the subscribers, when ten dollars shall be paid on each share subscribed for, and the bank shall organize and begin business. The remaining ninety dollars per share shall be called and paid in as the board of directors may thereafter order, except that not more than ten per cent. of said remaining capital stock shall be called in in any one month. Any of the corporators named herein, who shall fail to subscribe for the said stock, shall have no vote in the election of directors, and any person who Stock, how subscribed.

shall have so subscribed, but not paid his first call thereon, shall be unable to vote for directors ; and any subscriber for the said stock failing to pay his first call or any subsequent call at maturity, shall be charged with interest at the rate of six per cent. per annum for each and every day of such default of payment. And the board of directors may sell at public auction the stock of any stockholder that may be in default of payment of any call for sixty days. And the board of directors may, in its by-laws, prescribe the manner in which the said capital stock may be increased, but in no event shall it exceed the sum of fifty thousand dollars ; nor shall it exceed the sum of twenty-five thousand dollars so long as any of the said first twenty-five thousand dollars remain unpaid.

Board of directors.  
§ 4. The business of this bank shall be managed by a board of seven directors, to be chosen by the subscribers ; and no director shall hold less than five shares of stock. An election for directors shall be held at the meeting of the subscribers when the first ten dollars of the shares is paid in ; and the directors then elected, after they have taken an oath of office, shall continue in office until the first Monday in February next succeeding, or until their successors are chosen. And on the first Monday in February in each year thereafter an election for directors shall be held at the office of the bank, under the direction of three stockholders, not directors, who shall have been appointed by the directors for that purpose, and shall have taken an oath to do their duty. Each share of stock shall be entitled to one vote, and a plurality of votes of stockholders and proxies represented shall elect. Should an election for directors, for any cause, fail to be made on the day herein designated, the corporation shall not for that cause be dissolved ; but any and all elections made subsequent thereto, by competent authority, shall be deemed valid, and shall be so held.

§ 5. The board of directors shall elect a president

and vice-president from among their number, and shall employ a cashier and such other clerks or servants as may be necessary, and may require said cashier or clerk to execute bond, with approved security, for the faithful performance of their duty, and may fix their salaries, prescribe their duties, and shall require all such persons to make oath that they will faithfully discharge their duties.

President and  
other officers.

§ 6. A majority of the board of directors shall form a quorum for the transaction of business, and they shall be governed in their official acts by a majority of those present.

§ 7. Whenever the sum of five thousand dollars shall have been paid in, and the board of directors shall have elected a president and vice-president, and shall have employed a cashier, and all shall have taken their oath of office and executed the bond named in section five, the said corporation may receive on deposit gold, silver, bank notes, United States notes and other currency, and shall be permitted to deal in the same; also, it shall be permitted to deal in bills of exchange, promissory notes and all other evidences of debt, take personal and real estate securities therefor, and to dispose of the latter as may be agreed on; and they shall have all the powers of alienation which natural persons have; and the promissory notes made payable at its banking-house, or at any other bank, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the same footing as foreign bills of exchange, and like remedy may be had thereon, jointly or severally, against drawers, acceptors and indorsers. They may make advances on, and receive in pledge for money loaned or debts due them, all negotiable instruments, both foreign and inland, and all other evidences of debt, public and private securities, goods, wares, merchandise, and may dispose of same under the provisions of an act for the benefit of incorporated banks of this State, approved March sixteenth, one thousand eight hundred and seventy-one.

Begin business.

§ 8. The form of certificates of shares of stock, and the manner of the transfer of the same, shall be regulated by the by-laws of the corporation.

§ 9. Minors and married women may deposit money herein and check out the same free from the control of their husbands and guardians.

§ 10. The said bank shall not hold any real estate conveyed to it as security for, or in payment of any judgment or debt due to it, for a longer period than five years.

§ 11. The General Assembly of Kentucky shall have the right at all times to examine the condition of the said bank by any committee or officer appointed for that purpose.

§ 12. This act shall take effect from its passage.

Approved January 11, 1890.

## CHAPTER 15.

AN ACT to incorporate the Farmers' Exchange Bank of Nicholasville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Capital stock.	§ 1. There is hereby established a bank of deposit in the city of Nicholasville, Jessamine county, Kentucky, with a capital stock of one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided; and the subscribers to said stock, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the Farmers' Exchange Bank, and shall so continue for the space of thirty years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all of the
Name.	
Powers.	

courts and places whatsoever ; it may have a common seal and change and renew the same at pleasure.

§ 2. Said bank shall be under the control and direction of not less than thirteen directors, each of whom shall be stockholders in said bank to the extent of not less than five shares, who, after the first election, shall be elected on the second Thursday in January in each year, or as soon as practicable thereafter, and who shall hold office for one year, or until their successors are elected and qualified. They shall elect one of their number president and one vice-president, who shall act in his stead in the case of death, absence or other inability of the president ; and they shall hold their meetings whenever and at such times and places as they may deem necessary and proper ; and in the case of the death, resignation or inability to serve of any director, the vacancy shall be filled by the board of directors out of the stockholders. The directors shall have power to receive subscription for so many of the shares of the stock of said bank remaining unsold as they at any time may choose to sell ; to declare dividends of the profits arising from the profits of the business, and to appoint such officers, agents and clerks as they may deem necessary to conduct the business of the bank, and pay them such compensation and take from them such bonds to secure the true and faithful performance of their duties as they shall think proper and reasonable. The stock shall be deemed personal property, and shall be assignable, but only by transfer entered upon the books of the bank by the stockholder or his duly authorized attorney.

§ 3. Jesse Bryant, D. A. Forline, David Bell, Melanthon Young, E. R. Sparks, J. A. Baker, J. A. Vince, J. M. Nave, J. A. Bronaugh, Wm. Simpson, W. B. Smith, J. P. Turner, J. W. Poore, J. G. Scott, R. A. Dodd, J. D. Hughes and J. H. Blackford are hereby constituted and appointed a board of

- directors for said bank, who shall hold their offices until the regular election (second Thursday in January, one thousand eight hundred and ninety-one), at which election, and each subsequent one thereafter, every stockholder shall be entitled to cast one vote, in person or by written proxy, for each share of stock owned by him, and on which he has paid in full all the called installments due at the date of said election; and every stockholder shall be individually liable to the creditors of the bank for the full amount of the unpaid stock subscribed for and owned by him; but in no case shall his private property be liable for the debt of the corporation beyond the amount of his subscription. Subscriptions for the capital stock of the corporation shall be made payable at the call of the board, who shall issue calls for the same at such times as they deem best: *Provided, however,* That full payment of the stock subscriptions shall be required to be made on or before January first, one thousand eight hundred and ninety-one.
- And when twenty-five thousand dollars shall have been paid in and the cashier makes oath of said fact, before some notary public or justice of the peace, the bank may begin business.
- § 4. The bank may receive deposits of gold, silver, bullion, currency or any thing lawfully circulating as money, and repay the same in such manner, at such times and with such interest, not to exceed the rate fixed by law, as may be agreed upon with the depositors by special or general consent. It may borrow or lend money, buy or sell checks, bills of exchange, promissory notes or current money, bonds, stocks, mortgages and other evidences of debt, and do a general banking business; may take personal or other securities for the payment of obligations, and dispose of them according to the provisions of an act, entitled "An act for the benefit of incorporated banks of Kentucky," approved March sixteenth, one thousand eight hundred and seventy-one, and such dis-



position shall pass a valid title to the same; may receive deposits from minors and married women, and their checks, receipts and acquittances shall be valid. All promissory notes and bills made negotiable and payable at its banking house, or at any other bank, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the same footing of foreign bills of exchange, and like remedy may be had thereon, jointly or severally, against drawers, acceptors and indorsers thereof.

§ 5. The bank may acquire, hold and use all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety, or in satisfaction of any debts, judgment or decree, and may sell and convey the same at pleasure: *Provided*, That said bank shall not hold any real estate conveyed to it as security for any debt due to it, or in payment of any judgment or debt due it, for a longer time than five years. The board of directors may make all needful by-laws for the government of the bank not inconsistent with the laws of this State and of the United States.

§ 6. In no case shall this corporation exercise the business of banking by issuing notes to circulate as money, but it may make advances on, and receive in pledge for money loaned or debts due it, public and private securities, goods, wares, merchandise, and may sell the same on the non-payment of the debt or demand for which they became security, according to any agreement made between the parties at the time of the contract in writing, and pass a good title to the purchaser: *Provided*, That as much as ten days shall elapse between the maturity of such debt and the sale of such security, and that notice shall be given such debtors by mail or otherwise.

§ 7. Five members of the board of directors shall constitute a quorum for the transaction of business.

§ 8. Before entering upon their duties the president, directors and other officers of the bank shall take an

Hold real and  
personal estate.

Not to issue  
money.

Officers to take  
oath.

oath before some justice of the peace, notary public or police judge to faithfully perform all duties incumbent upon them under this charter, and that they will not sanction or permit any violation of it; should any occur, will at once report the same to the Attorney-General of this Commonwealth.

§ 9. The Auditor of this Commonwealth, at all times, shall have the right to examine the affairs of the bank, and the General Assembly of this Commonwealth has the right to alter, amend or repeal this charter at pleasure.

§ 10. This act shall take effect and be in force from and after its passage.

Approved January 11, 1890.

## CHAPTER 16.

AN ACT to amend an act to incorporate the bank of Williamsburg, approved May ninth, one thousand eight hundred and eighty-four.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act passed by the General Assembly of the Commonwealth of Kentucky, and approved May ninth, one thousand eight hundred and eighty-four, entitled "An act to incorporate the Bank of Williamsburg," be, and the same is hereby, amended as follows:

§ 2. The said bank shall have the right to purchase, hold and use real estate to the value of seven thousand five hundred dollars.

§ 3. Its capital stock is increased to one hundred thousand dollars.

§ 4. The private or individual property of the incorporators and stockholders of the said corporation shall be exempt from the corporate debts.

§ 5. This amendment shall take effect from and after its passage.

Approved January 15, 1890.

## CHAPTER 19.

**AN ACT** authorizing the re-recording of deeds and mortgages in Graves county, and fixing the fees of the county clerk therefor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be the duty of the clerk of the Graves County Court, at the request of any party interested, to re-record any deed or mortgage that may be produced to him which has been recorded in his office, and the record of which has been destroyed; and said clerk shall also re-record the certificates thereon, and his certificate showing when said deed or mortgage was recorded.

§ 2. That no State tax shall be required on any such deed or mortgage; and the clerk, for his services for re-recording any such deed or mortgage, and the certificates thereon, shall be paid fifty cents by the party having the work done.

§ 3. This act shall take effect from and after its passage.

Approved January 15, 1890.

## CHAPTER 21.

**AN ACT** to incorporate the Farmers and Merchants' Bank of Elkton.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established a bank in the town of Elkton, bearing the name of "The Farmers and Merchants' Bank of Elkton," which may begin business with a paid-up capital of ten thousand dollars, which may be increased, as its business may justify, to the amount of fifty thousand dollars. The capital stock shall be divided into shares of one hundred dollars each, to be subscribed and paid for as hereinafter

Name and powers.

provided ; and the subscribers or shareholders, their associates, successors and assigns, are created a body-politic and corporate, by the name and style of "The Farmers and Merchants' Bank of Elkton," and shall continue as such for a period of twenty-five years from the passage of this act. By that name it shall be empowered to make contracts, to sue and plead, answer and defend, in any court or place whatsoever ; and may have and use a common seal, and change the same at pleasure.

§ 2. Said bank shall be under the control and management of a board of directors, consisting of not less than five nor more than seven, who shall be stockholders, who shall hold their offices until their successors are elected and qualified ; and after the first election under the charter they shall be annually elected on the first Monday in January, or as soon thereafter as practicable ; and in case of vacancy the other directors may fill the same ; they shall elect annually one of their number president ; they shall have the power to sell any of the stock not subscribed for ; to declare dividends arising out of the profits of the business of the bank ; to appoint such officers, agents and employes as may be necessary to properly conduct the business of the bank, and pay them for their services ; and shall take such bonds from the president, cashier and other employes as they may deem necessary to secure the faithful performance of their duties ; and may make and enforce such by-laws as may be necessary for the proper management and control of the affairs of said bank, not inconsistent with the Constitution and laws of this State and of the United States.

§ 3. G. Terry, S. H. Perkins, E. P. Russell, J. H. Armstrong, J. N. Cartwright, George W. Jesup, W. H. Jesup, S. H. Wells, E. B. Weathers, C. G. Christian and Ben. T. Perkins, Jr., are hereby appointed commissioners, any three of whom may act, who may open subscription books and receive subscrip-

tions to the capital stock of the bank. When the amount upon which said commissioners shall deem it prudent to begin business shall have been subscribed, they shall call together the subscribers and proceed to hold an election of directors to serve until the January thereafter. In said election, and in all elections and meetings of stockholders, each stockholder shall be entitled to cast as many votes as he has shares of stock of record on the books of the bank. Votes may be cast in person or by proxy in writing. The commissioners shall prescribe the time and payment of subscriptions, and shall appoint one of their number to receive the same until a board of directors shall have been elected and organized, after which the cashier shall receive them.

§ 4. The stock of the bank shall be deemed personal property, and shall be transferable only on the books of the bank. Every stockholder shall be individually liable for the full amount of unpaid stock subscribed for and owned by him; but when said stock shall have been fully paid for, no further liability shall attach to said stockholder in any event. Liability of stockholders..

§ 5. Said bank, when organized, may receive deposits of gold, silver, bank notes and all other currency lawfully circulated as money, and repay the same on demand, or at such times as may be agreed upon by contract. It may transact a general banking business, lend money, discount paper, buy and sell bills of exchange, promissory notes and other evidences of debt, borrow money, take personal, collateral or real estate security for loans or forbearances, and dispose of such securities in such manner as may have been previously agreed upon between the parties, or under the provisions of an act for the benefit of banks, approved March sixteenth, one thousand eight hundred and seventy-one: *Provided*, That when said bank has real estate security for any debt due or owing to it, said real estate shall be sold by said bank only by due process of law. Deposits.

May acquire  
property.

§ 6. Said bank may acquire and use such real estate, furniture and fixtures as may be necessary and convenient for the transaction of its business, or which may be conveyed to it as security for or purchased in satisfaction of any debt, judgment or decree, and may sell and convey the same; and may buy its own stock in satisfaction of debt, but must resell the same as soon as practicable: *Provided*, That when said bank receives, either by conveyance or purchase, any real estate for any debt due to it, the same shall be held by said bank for a period of not longer than five years.

Deposits from  
minors and mar-  
ried women.

§ 7. Said bank may receive deposits from minors and married women, and the receipts of such minors and married women shall be valid and binding as a full acquittance to said bank for such deposits.

Officers' powers.

§ 8. The directors, cashier and other officers of said bank, before entering upon their duties as such, shall each take an oath before some officer of this Commonwealth authorized to administer the same, faithfully, and to the best of their ability, skill and judgment, to discharge the duties of their respective offices or station, in accordance with the provisions of this charter and the by-laws, rules and regulations of the bank; and they will not sanction or permit the violation of any of the provisions of this charter during their continuance in office.

§ 9. This corporation may be dissolved by a vote of two-thirds in value of the stockholders: *Provided*, Such dissolution shall not prejudice the rights of any existing creditor of said bank.

§ 10. This act shall take effect from its passage.

Approved January 15, 1890.

CHAPTER 22.

AN ACT to incorporate the Hart County Deposit Bank and Trust Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. There is hereby established a bank and trust company in the town of Munfordville, in Hart county, to be styled "The Hart County Deposit Bank and Trust Company," with a capital stock of thirty-five thousand dollars, in shares of one hundred dollars each, par value, which may, by the consent of the owners of a majority of the stock aforesaid, be increased to fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified ; and the subscribers and their associates, successors and assigns, shall be a body politic and corporate, by the name and style of "The Hart County Deposit Bank and Trust Company," and may so continue for thirty years from its organization ; but the board of directors of said bank and trust company are authorized and empowered to wind up its affairs whenever the owners of two-thirds of the stock determine that the interest of the company requires its discontinuance ; and to effect this the board shall have all powers necessary to wind up and liquidate the affairs of said bank and trust company upon equitable principles.

§ 2. Said corporation shall have all the privileges of Powers a natural person in contracting and being contracted with, in suing and being sued, by the name aforesaid, in all places and courts whatsoever ; and may have and use a common seal and change the same at pleasure.

§ 3. The said bank and trust company shall be under the control of the following named persons as directors, viz : J. T. Price, W. B. Cradlock, George Board o direct-ors.

D. Mentz, S. E. Patteson, C. J. Walton, J. J. Waggener and David Rhea, who shall hold their offices until the third Tuesday of January, one thousand eight hundred and ninety, and until their successors are elected and qualified. Each director hereinafter elected shall be a stockholder, and a majority of the directors shall at all times be residents of Hart county; and after the first election, which shall be held on the third Tuesday in January, one thousand eight hundred and ninety, they shall be chosen on the third Tuesday in January of each year; or if not on that day, from any cause, then as soon thereafter as convenient, and shall hold their offices for one year, or until their successors are elected and qualified. They shall appoint one of their number president, and may, if they desire, and think best and necessary, at any time, appoint, also from their number, a vice-president, who shall hold his position at the pleasure of the directors. The board shall hold regular meetings at such times as they may fix upon, and such called meetings as they may deem necessary. In case of the death, resignation or removal of any director or officer, the vacancy shall be filled by the board of directors. The board shall have power to receive subscriptions for as many of the shares of the capital stock remaining unsold, or increased as aforesaid and unsold, as said board may at any time decide to sell; shall declare dividends, appoint such officers, agents or servants as they think necessary to conduct the business of the bank and trust company, and pay them such wages or salaries for their services, and take from them such bonds to secure the faithful performance of their duties as may by them be deemed proper; shall prescribe such rules as they may think best for the transfer of the stock on the books of the bank, by the stockholders or by an attorney. The stock shall be personal property. The number of directors to be elected in January, one thousand eight hundred and ninety, and each year thereafter, shall be not less



than five nor more than nine, the number to be hereafter determined by a vote of the stockholders.

§ 4. W. J. Macy, W. B. Craddock, G. D. Mentz, D. W. Whitman and J. B. Chapline are hereby appointed commissioners, any three of whom may act, and may open books of subscription to the capital stock of the corporation as soon as shares to the amount of twenty-five thousand dollars have been already subscribed. Said commissioners shall transfer said subscriptions to said books, to be opened by them, and shall give notice thereof in one or more newspapers, and shall in said books enter the names of the subscribers, and the amount of stock subscribed for by each of them. The payments for the shares subscribed shall be made in such installments, or at such times, as the board of directors may order; and when ten thousand five hundred dollars shall have been paid in the bank may begin business.

§ 5. The said corporation may receive deposits of gold, silver, bullion, currency or any thing lawfully circulating as money, and repay the same in such manner, at such times and with such interest, not to exceed the rate fixed by law, as may be agreed upon with the depositors by special or general contract. It may borrow or lend money; buy or sell checks, drafts, bills of exchange, promissory notes, uncurrent money, bonds, stocks, mortgages and other evidences of debt, and do a general banking business; may take personal or other securities for the payment of obligations, and dispose of the latter in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March sixteenth, one thousand eight hundred and seventy-one, and such disposition shall pass a valid title to the same; may receive deposits from minors and married women, and their checks, receipts or acquittances shall be valid. All promissory notes and bills made negotiable and payable at the banking-house of said corporation, or at any other banking-

house, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon such bills may be had thereon, jointly or severally, against the drawers, acceptors and indorsers thereof.

§ 6. The said corporation may acquire, hold and use all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security or in satisfaction of any debt, judgment or decree, but shall sell and convey the latter within five years. The board of directors may make all needful by-laws for the government of said corporation not inconsistent with law.

Real and personal property.

§ 7. Every stockholder shall be individually liable to the creditors of the corporation to the full amount of the stock subscribed for and owned by him; but when the same shall have been paid for in full, then no further individual liability attaches to the said stockholders. The indebtedness of the corporation other than for general deposits shall at no time exceed the amount of its paid-up capital.

Liabilities of stockholders.

§ 8. Before entering upon their duties, the president, directors and other officers of the corporation shall take an oath before some justice of the peace, notary public, county or police judge, to faithfully and honestly discharge all the duties imposed upon them under this charter, and that they will not sanction or permit any violation of it; and should any occur, will at once report the same to the Attorney-General of this Commonwealth.

Officers take oath.

§ 9. Nothing in this charter shall be construed to allow the said corporation to issue any note or bill to pass or circulate as money.

§ 10. The officers, agents or servants of said corporation appointed by the board of directors thereof shall hold their offices at the pleasure of said board, and may be removed therefrom by said board at any time, with or without cause.

§ 11. Said corporation may be appointed, and may May act as guardians, etc. act as guardian for infants, as executors or administrators, or committee for idiots or lunatics, and receivers, assignee or other trustees, whether appointed by deed, by last will and testament, by any court within this Commonwealth, or in any other manner, not inconsistent with law. It may receive and hold in trust estate, real and personal, including notes, bonds, obligations, and accounts of estates and individuals, of companies and corporations, private or public; and may, in its fiduciary capacity, purchase, collect and adjust and settle, sell and dispose of the same in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estate, receiving and collecting rents and other moneys, in issuing and countersigning certificates of stock, bonds or other obligations of any corporation or municipality, State or public authority; and may receive and manage any sinking fund thereof; and may accept and execute and guarantee all such trusts, of every description, not inconsistent with the laws of this State, as may be committed to it by any other person, or by any corporation, or by any court of record of this State. It shall have a trust department, and all of its business of a fiduciary character shall be kept in a separate, special set of books.

§ 12. It shall be the duty of the corporation, through its president and cashier, to make a detailed statement Statement to be made. annually (or oftener if so required), to such court or courts as may have committed any trust or trusts to said corporation, of all investments or loans of said fund, together with a statement, as near as practicable, of the value of the estates and property so committed by said court to said corporation, which statement shall be verified by the oath of one of said officers; and the said trust fund, and all the loans and securities thereof (in the possession of said corporation), shall be primarily liable for the obligations of said corporation as executor, administrator, guardian,

receiver, assignee, or trustee in any other capacity, and shall not be liable for any other debt or obligation of the corporation until all its obligations in regard to its trusts, as aforesaid, shall have been first duly met and discharged. Said corporation shall keep a complete set of books, showing receipts and disbursements of money, and giving a full and correct account of all its transactions in each and all trusts committed to its care, which books shall be open for the inspection of the courts committing such trusts to its care, and to the parties in interest, at such times as said court may direct.

Liability of capital stock.

§ 13. The capital of said corporation shall be taken and considered as the security required by law for the faithful performance of its duties, and other security shall not be required upon its appointment to any of the offices or duties mentioned herein, except when required by the courts or by parties in interest; but any court having jurisdiction to make or approve such appointment shall have power, before making or approving the same, and at any time thereafter, to examine the officers of the corporation, under oath or affirmation, as to the security aforesaid and the amount and extent of its fiducial and other liabilities; and if deemed advisable by said court or courts, to appoint a suitable person to investigate the affairs and management of the said corporation, and report to said court the manner in which its capital and funds are invested, and the security offered, to those by or for whom its engagements are held; the expense of such investigation to be paid by the said corporation.

Responsibilities and penalties.

§ 14. In the exercise, by said corporation, of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty imposed by the court, or otherwise committed to said corporation, it shall be subject to the same duties and responsibilities, and shall have the same powers, and receive the same compensation, as may be fixed by law with relation to individuals holding similar

offices or trusts, except as herein otherwise specially provided. The exercise of other powers, and the performance of other duties by said corporation, may be, as to compensation and otherwise, matters of contract with the parties interested.

§ 15. The elections provided for by this charter shall <sup>Elections.</sup> be held at the banking-house of said corporation in such manner and by such officers as may be determined upon by the board of directors, and the result of such election shall be declared in the manner and by the persons selected by said board.

§ 16. The General Assembly shall have the right to examine the affairs of the corporation by any committee; officer or agent appointed for that purpose, and reserves the right to alter, amend or repeal this charter at pleasure.

§ 17. This act shall take effect and be in force from and after its passage.

Approved January 16, 1890.

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## CHAPTER 23.

AN ACT to amend an act, entitled "An act to incorporate the Louisville Safety Vault and Trust Company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to incorporate the Louisville Safety Vault and Trust Company," be, and the same is hereby, amended as follows: That the corporate name be, and the same is hereby, changed from Louisville Safety Vault and Trust Company to "The Louisville Trust Company," and by that name shall have perpetual succession; and shall have and exercise all the powers given and granted in the original act of incorporation and all subsequent amendments, the change of name not to impair in any

respect any valid and binding obligation, contract or agreement, heretofore entered into by said corporation.

§ 2. That the capital stock of said company shall consist of ten thousand shares, of the par value of one hundred dollars each, with the privilege to increase the same by a vote of two-thirds of the stockholders, at any annual or special meeting, to any sum not exceeding twenty-five thousand shares.

§ 3. That the board of directors of said company shall consist of not less than thirteen nor more than twenty-five stockholders, who shall serve from the time of their election until the next annual election, or until their successors are duly elected and qualified; and the board of directors shall have power to add to their number by filling all vacancies, however occurring, between the annual elections.

§ 4. All laws and parts of laws in conflict with this act are hereby repealed as to this corporation; and this act shall take effect and be in force from its passage.

Approved January 17, 1890.

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## CHAPTER 24.

AN ACT to authorize the citizens or other persons owning and producing timber on the waters of Big creek, of Clay and Leslie counties, to boom Big creek.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That any citizen, or any number of citizens, living upon the waters of Big creek, in Clay and Leslie counties, or any other person owning or producing timber on said creek, be, and they are hereby, authorized to erect a boom across said Big creek at the mouth of said creek, in Clay county, for the purpose of catching saw-logs, staves, or other lumber floated down said creek.

§ 2. The person or persons booming said creek shall not be permitted to charge for catching and holding of any logs, staves, or other lumber, except by special contract with the owner of said logs, staves, or other lumber.

§ 3. This act shall take effect from and after its passage.

Approved January 17, 1890.

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## CHAPTER 26.

AN ACT to change the time of holding the Christian Quarterly Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Christian Quarterly Court shall be held on the second Monday of January, April, July and October of each year, and each term of said court shall continue as long as the business thereof may require.

§ 2. This act shall take effect and be in force on and after the first day of February, one thousand eight hundred and ninety.

Approved January 17, 1890.

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## CHAPTER 27.

AN ACT to incorporate the Louisville Steam Motor Power Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That W. S. Hays, Fred. Hoertz, G. E. Thurman, Z. Phelps, their associates, successors and assigns, be, and they are hereby, associated and incorporated as "The Louisville Steam Motor Power Company," with power to sue and be sued in and by its corporate name; to have and use a common seal, and with all other powers common or incident to incorporated bodies.

§ 2. The principal office of said corporation and principal place of transacting its business shall be in Louisville, Kentucky. The incorporators hereinbefore named shall constitute the first board of directors, who shall meet as soon as practicable after this act shall have become a law, and elect officers of said corporation for a period of one year, or until their successors are elected and qualified. The annual election of said company shall be held annually thereafter upon some date to be fixed by the by-laws of the company. The officers of the company shall be a president, vice-president, secretary, treasurer and general manager, and any two of said offices may be held by one and the same person. The duties of the officers of said company shall be prescribed and fixed by the by-laws of the company.

§ 3. The said company shall have, and is hereby given, power to make, furnish and supply heat and motive power to any and all of the various branches of the trade or manufacturing interests which desire to obtain or accept the same from said company, on such contract price or agreement as may be agreed upon between them: *Provided always*, That said heat and motive power be furnished to said parties in one house in the city of Louisville; and power is hereby given said company to acquire and own such apparatus and machinery as may be necessary to the proper conduct of said business.

§ 4. The said company may acquire and own real estate in the city of Louisville sufficient for its uses and purposes, and may construct a building thereon in which to make and utilize the said heat and motive power, and may rent out such portions of said building to the different manufacturing interests and branches of the trade as shall be deemed most advisable by said company, and upon such rental as shall be agreed upon between the said company and the parties to whom they rent.

§ 5. The capital stock of said company shall be five



hundred thousand dollars, divided into shares of one hundred dollars each, with power in the company to <sup>Capital stock</sup> increase the said capital stock at any time in any amount desired by the board of directors, not to exceed one million dollars. The stock to be issued, subscribed and paid for upon such terms and conditions as shall be directed by the board of directors of said company.

§ 6. Power is hereby given to said company to mort- <sup>General powers.</sup> gage its property and franchises for the purpose of enabling it to construct any buildings, plants, machinery, and so forth, that may be necessary to its ends. And the said company may issue bonds of any denomination, to be fixed by its directors, which said bonds may be secured by mortgage upon its property and franchises as hereinbefore allowed: *Provided*, That the amount of said mortgage indebtedness shall not exceed three-fourths of the actual cost value of the property upon which the mortgage lien is given.

§ 7. The private property of the stockholders shall be exempt from corporate debts.

§ 8. This act shall take effect from and after its passage.

Approved January 17, 1890.

## CHAPTER 28.

AN ACT to incorporate the Walton Deposit Bank.

WHEREAS, T. F. Curley, D. M. Bagby, D. B. Allen, J. T. McClure, E. J. Green, J. S. Hoggins, J. T. Johnson, G. W. Ransler and others, citizens of Kentucky, have taken steps looking to the establishment of a bank at Walton, in Boone county, Kentucky, and have subscribed fifty thousand dollars to the capital stock of said bank, in shares of one hundred dollars each, the same to be paid upon the call of the directors; and said bank may begin business when ten thousand dollars have been paid up in cash; and said

subscribers to said stock have met and agreed that the said bank shall be incorporated, with T. F. Curley, D. M. Bagby, D. B. Allen, J. T. McClure, E. J. Green, J. S. Hoggins, J. T. Johnson and G. W. Ransler as first board of directors, and have deposited with said board the written article of agreement and subscription of stock, showing the shares and amount taken by each subscriber, and now desires that said bank be incorporated ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Capital stock.

§ 1. That there is hereby incorporated and established in the town of Walton, Boone county, Kentucky, a bank of deposit and discount, to be known as the "Walton Deposit Bank," with a capital stock of fifty thousand dollars, divided into shares of one hundred dollars each ; and in that name it may contract and be contracted with, sue and be sued, plead, answer and defend in all courts or places whatever ; and exercise all the rights, privileges and powers herein granted, expressly or by implication, as a natural person ; may have and use a common seal, alter the same at pleasure ; but no agreement, contract, obligation, or deed or other writing, shall be invalid for want of such seal, if the same be executed as is customary, or in such form or manner as the directors may by order or by-laws direct, or by the president and directors themselves.

Stock—how paid.

§ 2. That said written articles, which shows the subscribers and shares subscribed to the stock of said bank, same referred to in the preamble, shall, by order of the directors, be entered at large upon the minute-book of said bank ; and the said subscribers are and shall be subscribers to the stock of the bank hereby incorporated. Each shall be entitled to a certificate for each share of his stock when paid up by him, and said subscriber shall pay up said stock on call, as made by the board of directors, and no sub-

scriber be in default until ten days' notice of the call shall have been given him in such manner as the board of directors shall deem proper; and when any subscriber is in default the bank may recover of him the sum he is in default by suit in any court having jurisdiction of the amount.

§ 3. Said bank shall be under the control and management of a board of eight directors, who shall be stockholders and residents of Kentucky. T. F. Curley, C. M. Bagby, D. B. Allen, J. T. McClure, E. J. Green, J. S. Hoggins, J. T. Johnson and G. W. Ransler be, and they are hereby, constituted the first board of directors for said bank, and shall hold their office until the first Monday in January, one thousand eight hundred and ninety-one, and until their successors are duly elected and qualified. The directors shall hereafter be elected on the first Monday in January of each year; and each board shall go into office at any time within five days after its election, first being duly sworn. Unless a majority of the directors elected at any election qualifies by taking the oath required herein within five days after their election, the old board shall hold over as if no election had been held. Each director shall qualify by taking an oath, before some officer authorized to administer oaths, that he will faithfully discharge his duties as such. The directors shall cause said election to be held at their banking-house, or at such place in said town as may be selected by them, and appoint suitable officers to conduct same, and certify the result. At such election each stockholder shall have a vote for each share of stock owned by him, provided he has paid all the calls that may be due on same at the time; and the eight persons receiving the highest votes shall be elected directors for the ensuing term, and shall receive from the election officers a certificate showing their election, which they shall file and cause to be noted on the minute-book of the bank. If a majority of the directors qualify within the time

allowed, then the old board shall give way to them, and they may proceed to organize and fill vacancies, and discharge all the duties of the board. If, from any cause, no election is held at the time fixed by this charter, then the board in office shall continue until their successors are elected and qualified. All vacancies occurring in the board shall be filled by those remaining, and any director shall vacate his office by ceasing to be a stockholder or by removing from the State. The first election of directors under this charter shall be held on the first Monday in January, one thousand eight hundred and ninety-one. All suitable rules and regulations concerning said elections and the methods of voting may be made by the directors not inconsistent herewith. A majority of the board may constitute a quorum for doing business. Any member who fails to attend the meetings of the board for five consecutive meetings vacates his office, and the rest of the board shall so declare and fill the vacancy.

Directors' powers.

§ 4. That the directors of said bank are hereby authorized and empowered to enact and put in force such rules, by-laws and regulations for its management, government and control of its property, and all its business and affairs, as they may deem expedient, and alter and repeal same at will; and each board shall elect one of its number president, and in like manner fill any vacancy that may occur in that office, and may appoint all such officers, agents and servants as they may deem necessary to conduct the business of said bank, and may agree with them as to compensation for their services and pay them therefor, and take from them bond with security, approved by the directors, to the bank, in such penalty as they deem necessary to secure well, truly and faithfully the performance of their duty, upon which bond recovery may be had for any breach thereof. The directors may prescribe the duties and powers of its officers and employes, and may declare dividends and pay over the

same amongst the stockholders in proportion to their paid-up stock.

§ 5. The said bank may lease, buy, or acquire, hold, possess, or occupy and enjoy all such real and personal property as may be convenient and needed for the transaction of its business, or which may be pledged to it, or conveyed to it by mortgage or otherwise, as surety for any debt, judgment or decree, or which may be bought by it under any judgment, order or decree in its favor, or to the benefit of which it may be entitled by purchase or otherwise, and may use, sell, convey, or otherwise dispose of same as a natural person: *Provided*, That real estate, except banking property, shall not be held longer than five years. May acquire property.

§ 6. The said bank shall have power to buy and sell bills of exchange, stocks, bonds, promissory notes, due bills, and other securities, loan money at not a greater interest than that allowed by law, discount promissory notes, due bills and other evidences of debt, receive deposits of gold and silver coins, bank notes, United States Treasury notes and other currency, and pay same in kind or as may be agreed upon, and may do a general banking business, and have all the powers and privileges of like corporations by the laws of this State; but it shall issue no notes to circulate as money. It may take mortgages from a borrower or from any one else, on any personal or real property to secure any loan made by it, or any demand or any debt coming to it, and may have said property insured for its use and benefit while under said mortgage, and it may enforce such mortgage and subject the property to its demand or debt by action in any court having jurisdiction as a natural person might do. It may also receive on pledge for money loaned by it, or for any money advanced by it or debt due or accruing to it, goods, wares, merchandise, farm products, public or private securities of individuals, city, county, town, district, corporation or societies, Discount and deposit.

and sell the same on the non-payment of the debt or demand at the stipulated time of payment, in pursuance of the provision of an act, entitled "An act for the benefit of the incorporated banks of this Commonwealth," approved March sixteenth, one thousand eight hundred and seventy-one, or it may proceed by proper action in court to subject such pledge to its debt or demand.

Liability of  
stockholders.

§ 7. The stock of said bank shall be deemed personal property, and shall only be assignable and transferable on the books of the bank, and in the mode which shall be provided by the directors from time to time; and no transfer or assignment of any such stock shall prejudice any lien the bank may have thereon, unless the lien be expressly waived by the directors; nor shall the dividends of any stockholder be transferable or paid over without the express consent of the directors, so long as such stockholder's stock is not paid up in full.

§ 8. The directors shall cause certificates of stock to be issued to the stockholders, but no such certificate shall be issued until the stock it represents has been paid in full and received by the bank.

Deposits from  
minors and mar-  
ried women.

§ 9. Married women and minors may make deposits in said bank, and may check same out as other depositors, or withdraw the same and receipt therefor, and their checks or receipts shall be valid and protect the bank from all further liability for any such deposits.

§ 10. Each stockholder shall be responsible to the creditors of the bank to the amount of his unpaid-up stock, but no further.

§ 11. All promissory notes negotiable and payable at this bank, or at any other bank incorporated by the Legislature of the State, or doing business under the laws of the United States within this State, purchased or discounted by this bank, shall be, and are hereby, placed upon the footings of foreign bills of exchange.

§ 12. That any conveyance made by the bank of real property shall be valid if the deed be executed and delivered by the president for and on behalf of the bank in pursuance of an order of the directors, if acknowledged before some officer competent to take acknowledgments of deeds and conveyances; and all notes, bonds or obligations taken on sale of such property, or any property sold by the bank, may be enforced and collected by the bank by appropriate action.

§ 13. That the capital stock of said bank may be increased by the board of directors to any sum not exceeding one hundred thousand dollars; but no such increase shall be made until the question of such increase shall have been submitted to a vote of the stockholders, and a majority of all such stockholders' votes shall have been given in favor of such increase; and the board of directors shall, when they deem it prudent, by suitable rules and by-laws, submit the question to the stockholders, and provide rules for conducting said election and determining the result; and if the stock is increased, the directors shall open the book for such increased stock.

§ 14. When any election is held under this charter or ordered by the directors, if not otherwise provided, each stockholder shall be entitled to as many votes as he holds shares of stock in said bank upon which there is no call due.

§ 15. That any officer, agent or servant, appointed by the directors, may continue in such position until removed by the same or some subsequent board; any bond given by any such appointee on his appointment, or any that may be required thereafter, shall continue and bind the principal and sureties even though the term of employment may change, so long as the appointee continues in service of the company; the board may require new bond and sureties at any time from its appointees, it may believe the

sureties on any bond insufficient, and no such additional bond shall be a release or waiver of any liability of the sureties in any other bond therefore given. If any appointee fails to give bond and surety as required by the board, it may remove such appointee at pleasure, though his term of service may not have expired; and any agent, officer or servant may be removed at any time by the board of directors.

§ 16. This act shall take effect from and after its passage.

Approved January 17, 1890.

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## CHAPTER 29.

### AN ACT for the benefit of Miss Lula Simpkins.

#### Preamble.

WHEREAS, It appearing that the trustees of school district number twenty-six, in the county of McCracken, in the month of August, corresponded with and employed Miss Lula Simpkins, of Summersville, Alabama, a competent teacher and educator, to teach the common school in said district for the scholastic year ending June thirtieth, one thousand eight hundred and ninety; and whereas, said Simpkins did teach said school to the satisfaction of the said trustees and the patrons of said school; and whereas, the said Simpkins was a non-resident of the State, and not being informed of the time and place set apart by law for the examination of teachers for certificates, failed to attend and secure a certificate until after she had taught six weeks of said school, there being no days set apart by law for said examination after September until November; and whereas, she is now unable, by reason of not holding the said certificate of qualification during the said six weeks, to draw her salary for the said time, amounting to the sum of fifty-six and ninety-five one hundredths dollars; therefore, in remedy whereof,



*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the superintendent in and for McCracken county be, and he is hereby, authorized to pay to Miss Lula Simpkins the sum of fifty-five dollars and ninety-four one hundredths dollars, out of funds now in his hands belonging to school district number twenty-six, according to the pro rata share as shown by the report of the Superintendent of Public Instruction, in satisfaction of her claim for teaching the six weeks of school aforesaid in district number twenty-six, in McCracken county, for the year ending June thirtieth, one thousand eight hundred and ninety.

§ 2. This act shall take effect from and after its passage.

Approved January 18, 1890.

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## CHAPTER 30.

AN ACT for the benefit of George W. Ratcliff, late sheriff of McCracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That George W. Ratcliff, late sheriff of McCracken county, may place into the hands of any and all the constables of said county for collection, any and all taxes which were in his hands as sheriff, and payable to the State or county, and for which he has accounted to the State and county by having paid same, and which he has not collected; and it shall be the duty of any constable or constables to collect same without unnecessary delay, and pay them over to said Ratcliff.

§ 2. That any constable receiving said taxes for collection shall have and is now vested with the same powers for their collection as is given the sheriff by section eleven, article ten, chapter ninety-two, of

the General Statutes ; but no constable shall levy on or sell any real estate by virtue of said taxes, or the authority conferred upon them by this act.

§ 3. This act shall be in force from and after its passage.

Approved January 18, 1890.

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## CHAPTER 31.

AN ACT for the benefit of John W. Ridgeway, sheriff of Henry county.

WHEREAS, John W. Ridgeway, the present sheriff of Henry county, now being sick and unable to attend to his business, and one chief deputy has died, and his principal bondsmen ; and whereas, the county judge is in some doubt about his authority to further extend the time under the law ; and whereas, it will be some time yet before the tax-books will be delivered to him, and no harm can come by extending the time in which he is by law required to execute his bond for the collection of the State revenue and general official bond ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That John W. Ridgeway, the present sheriff of Henry county, be, and he is hereby, given further time to execute his bond for the collection of the State revenue : *Provided, however,* He shall execute said bond as required by law on or before the first Monday in March, one thousand eight hundred and ninety.

§ 2. That this act shall only apply to the sheriff of Henry county, and to take effect from and after its passage.

Approved January 18, 1890.

## CHAPTER 32.

AN ACT to amend an act, entitled "An act to incorporate the People's Bank of Yellow Creek."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to incorporate the People's Bank of Yellow Creek," approved February sixth, one thousand eight hundred and eighty-eight, be amended as follows: By striking out the words "of Yellow creek" where they occur in the title of said act. By changing section one so as to read as follows: "That there is hereby established a savings and deposit bank in Middlesborough, Bell county, Kentucky, with a capital stock of five hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided; and the subscribers to said stock, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the 'People's Bank,' and shall so continue for a period of thirty years from the date of its organization, unless sooner dissolved by a majority in interest of the stockholders therein; and shall have and may exercise all the rights and privileges of a natural person in contracting and being contracted with, and as such may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in any court or place; and may have and use a common seal and change the same at pleasure."

§ 2. This act shall take effect from its passage.

Approved January 18, 1890.

## CHAPTER 33.

AN ACT to amend an act, entitled "An act to incorporate the Bank of Pikeville, Pike county," approved \_\_\_\_\_, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the act incorporating the Bank of Pikeville be, and the same is hereby, amended, so as to have nine directors instead of seven, and the president and vice-president shall be chosen from among the directors, and the present directors shall appoint two directors to act until the next annual election, and then nine directors shall be elected and compose the directors of said bank.

§ 2. This act shall take effect from its passage.

Approved January 18, 1890.

## CHAPTER 34.

AN ACT to incorporate the Paducah Safe Deposit and Trust Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Capital stock. § 1. That there is hereby established a bank of deposit, and for other purposes hereinafter named, in the city of Paducah, McCracken county, Kentucky, with a capital of two hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified, and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of "The Paducah Safe Deposit and Trust Company;" and shall continue twenty-five years from its organization, and shall have all the rights and privileges of a natural person in contracting and being

contracted with, in suing and being sued, and of impleading, answering and defending in all courts and places whatsoever. Said bank may have and use a corporate seal and change the same at pleasure.

§ 2. Said bank shall be under the control and management of seven directors, who shall be stockholders, and they shall hold their offices until their successors are elected and qualified ; and after the first election they shall be elected on the second Monday in January in each year, or as soon thereafter as is practically convenient ; and in case of a vacancy, the remaining directors shall have the power to appoint a qualified stockholder to fill it. They shall elect one of their number president, who shall preside at their meetings and perform such other duties as may be assigned him by this charter and the by-laws of the company. They shall have power to sell any of the stock unsold, to declare dividends arising out of the business of said bank, to appoint such officers, agents and employes as they may deem necessary to conduct the business of said bank and pay them for their services ; to take from the president, cashier and other employes such bond as they may deem proper and reasonable to secure a faithful performance of their respective duties, and to make such by-laws as they may deem necessary for the proper management of the affairs of the bank, provided the same be not contrary to the Constitution and laws of this State and of the United States. The stock shall be deemed personal property, and shall be transferable only upon the books of the bank by the stockholder, his agent or attorney, under such rules and regulations as the directors from time to time shall establish ; but the corporation shall have a prior lien on the stock to secure any indebtedness to the bank by the stockholder for said stock. Said lien shall cease upon a transfer being made as aforesaid upon the books of the bank.

Board of directors.

President.

Dividends.

Transfer of stock.

§ 3. That J. J. Guthrie, T. J. Atkins, Geo. C. Commissioners.

Hughes, E. P. Gilson, G. W. Robertson, are hereby appointed commissioners, any two or more of whom may open books in the city of Paducah, Kentucky, and receive subscriptions for the capital stock of said bank; and when as much as fifty thousand dollars or more of said stock shall have been subscribed, it shall be their duty to give notice to the stockholders in some newspaper published in Paducah, naming the day and place for the election of a board of directors, who shall be elected by such stockholders, and hold their office until the ensuing annual election; and when as much as or more than fifty thousand dollars shall be subscribed and actually paid in, said corporation may commence business, and upon the election and qualification of said board of directors all of the subscribers for stock shall, upon ten days' notice, be required by said board of directors to pay their subscriptions of stock at once, or otherwise forfeit the same; and no certificate of stock shall be issued to any stockholder who shall not so promptly pay for the same to said corporation.

§ 4. That this bank shall provide, for rent to private individuals, partnerships or others, boxes of safe deposit for commercial or individual papers, notes, wills, tax receipts and other papers or objects of value, at prices of rental such as directors may think proper.

§ 5. That said bank can administer on estates of deceased persons' bequests, be appointed guardian for minors, and manage their estates, and be custodian of trusts, money pending payment in law-suits or other settlements pending, receivers of moneys, and managing affairs usually undertaken by administrators, executors and receivers. The surety for faithful performance of any such duties shall be the paid-up capital of said safe deposit and trust company. The remuneration for such services shall be according to the terms agreed upon by the interested party of parties, whether private individuals, copartnerships or court of law, as allowed by judge of said court.

§ 6. Said bank may receive deposits of gold and silver coin, bank notes and other notes which may be lawfully circulating as money, and repay the same in such manner, at such times and with such rate of interest, not exceeding six per cent.; may buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, mortgages, gold and silver coins and other evidences of debt, take personal and other security for the payment of the same, and dispose of such stocks and bonds as may be agreed upon by the parties, and pass a valid title to the same. All promissory notes made negotiable and payable in this bank, or other banks of this State authorized by law to discount such promissory notes, and inland bills of exchange which may be discounted and owned by said bank, shall be and are hereby put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers.

Negotiable paper.

§ 7. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid; provided the written consent of the husband, parents or guardians of such married women or minors shall be filed with the cashier.

§ 8. Said bank may acquire, hold and use all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as a security for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same; and may buy its own stock in payment of a debt, judgment or decree, but shall resell the same as soon as it is practical y convenient: *Provided, however,* That said banking company shall not hold any real estate conveyed to it as surety for or purchased in satisfaction of any debt, judgment or decrees for longer than five years.

Real estate.

§ 9. All the stock of the stock-owners of said bank shall be liable for and subject to the payment of the

ized by the laws governing the incorporated banks of this State; and promissory notes made payable to this bank, or any bank incorporated under the laws of this State, or organized in this Commonwealth under the laws of the United States, which shall be indorsed to or discounted by it, shall be placed on the footing as foreign bills of exchange, and like remedies may be had thereon, jointly and severally, against the drawer, indorser and acceptor.

To commence  
business.

§ 3. This bank may commence business with a capital of ten thousand dollars, which shall be paid up in cash, and may be increased to fifty thousand dollars.

Board of directors.

§ 4. The estate, real, personal, funds, business and prudential affairs of the said bank shall be under the control of not less than two directors, who shall be share-holders, and to be chosen annually on the first day of July, by said share-holders, by a plurality vote. The capital stock of said bank shall be divided into shares of one hundred dollars each, and each share-holder shall be allowed one vote for each share of said stock that he may own. Said directors shall also, at their annual election, elect a president and cashier for said bank, who shall hold their terms until the next annual election, or until their successors are elected and qualified.

§ 5. Said bank shall be authorized to receive deposits from minors and married women, and their checks or orders for such deposit shall be good and valid against all parties whatever.

§ 6. The private property of the individual stockholders shall be liable for corporate debts.

§ 7. That J. W. Crenshaw and E. R. Street are hereby constituted and appointed a board of directors for said bank, to hold office as such until their successors are elected and qualified.

May acquire  
property.

§ 8. The said bank may lease, buy or acquire, hold, possess or occupy and enjoy all such real and personal property as may be convenient and needed for the



transaction of its business, or which may be pledged to it or conveyed to it by mortgage or otherwise as surety for any debt, judgment or decree, or which may be bought by it under any judgment, order or decree in its favor, or to the benefit of which it may be entitled by purchase or otherwise, and may use, sell, convey or otherwise dispose of same as a natural person: *Provided*, That real estate, except banking property, shall not be held longer than five years.

§ 9. This act shall take effect from and after its passage, and may continue in force thirty years.

Approved January 21, 1890.

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## CHAPTER 39.

AN ACT to legalize and declare valid an order of the Bullitt County Court of Claims made on the twenty-first day of January, one thousand eight hundred and eighty-nine, levying an ad valorem tax of fifteen cents on each one hundred dollars' worth of property in Bullitt county for county purposes.

WHEREAS, At a regular term of the Bullitt County Court of Claims, held Monday, January twenty-first, one thousand eight hundred and eighty-nine, the following order, by assent of a majority of the justices of the peace of Bullitt county sitting as a court of claims, was duly made, namely: "It is ordered that a tax of fifteen cents on each one hundred dollars' worth of property in Bullitt county taxable for State purposes be, and the same is hereby, levied for county purposes for the year one thousand eight hundred and eighty-nine, this tax is levied for the same purpose the poll-tax is now laid; the property to be ascertained from the assessor's books for one thousand eight hundred and eighty-nine, and in other ways now provided by law; the tax to be collected by the sheriff of Bullitt county in the same manner and for the same compensation, subject to the same liabilities, as for the collections of the poll-

tax for one thousand eight hundred and eighty-nine;" and whereas, there exists doubts as to the legality of said levy and the validity of said order; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the action of the Bullitt County Court of Claims held on Monday, January twenty-first, one thousand eight hundred and eighty-nine, in levying said tax of fifteen cents on each one hundred dollars' worth of property in Bullitt county taxable for State purposes, levied for county purposes for the year one thousand eight hundred and eighty-nine, and for the same purpose the poll-tax is levied, to be collected by the sheriff of Bullitt county as the State revenue is collected on the property subject to the payment of State revenue, the amount of taxable property to be ascertained from the assessor's books of said county for the year one thousand eight hundred and eighty-nine, and other ways provided by law, be, and the same is hereby, legalized and declared valid, and of as binding force and effect as if fully authorized by law at the time said order and levy was made.

§ 2. This act shall take effect and be in force from its passage.

Approved January 21, 1890.

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## CHAPTER 40.

AN ACT authorizing the county court of claims of the county of Bullitt to levy an annual tax of twenty cents on each one hundred dollars of value of real and personal property in the county for county purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of claims of the county of Bullitt be, and it is hereby, authorized to levy an

annual tax of not exceeding twenty cents on each one hundred dollars of value of real and personal property subject to payment of State revenue in the county, the property so subject to be ascertained from the assessor's books for each year, and in other ways now provided by law.

§ 2. The tax for the year one thousand eight hundred and ninety to be levied at a special term of the Bullitt County Court of Claims, at a special term to be held on the third day of May, one thousand eight hundred and ninety, or any subsequent day when called together by the county judge of said county; and for every subsequent year to be levied at the same time the county levy is laid in each year: *Provided*, The levy of the tax for the year one thousand eight hundred and ninety, or any subsequent year, shall not be binding unless a majority of the justices of the peace, duly commissioned in said county, shall be present and agree to the same.

§ 3. The money so raised shall be applied for general county purposes, the same as the county levy is now applied, and shall be in addition to the county levy.

§ 4. The sheriff or collector of the county levy for Bullitt county shall collect the tax so levied with the same powers, duties and responsibilities and for the same commissions as are allowed for the collection of the county levy, and disburse the money raised in the same manner as he disburses the county levy; and for a failure to pay over or account for the same, he shall be proceeded against in the same manner as for failing to account for or pay over the county levy; and he and his bondsmen upon his county levy bond shall be responsible upon his said bond for any dereliction of duty upon his part in regard to said tax, either by failing to account for or to pay it to the persons authorized by law to receive it or in any other way.

§ 5. The power to levy the tax authorized by this.

act shall continue until the same shall be repealed by an act of the General Assembly of the Commonwealth of Kentucky.

§ 6. This act shall be in force from and after its passage.

Approved January 21, 1890.

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## CHAPTER 41.

AN ACT for the benefit of J. L. James.

WHEREAS, J. L. James, of Eddyville, Lyon county, Kentucky, was ordered by telegram, on the twenty-fifth day of January, one thousand eight hundred and eighty-eight, to report before the Penitentiary Committee of the Senate for the purpose of giving information to said committee in regard to the penitentiary; and whereas, said J. L. James did, on receipt of said telegram, report immediately before said committee, and on account of the order of said committee said J. L. James was detained in the city of Frankfort for the period of sixteen days; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That said J. L. James be allowed the sum of seventy and ten one-hundredths dollars, for actual expenses during the time for which he was detained by said committee.

§ 2. That the Auditor be hereby authorized to draw his warrant on the Treasurer for the same.

§ 3. This act shall take effect from its passage.

Approved January 21, 1890.

## CHAPTER 42.

**AN ACT** to establish the Pembroke Deposit Bank, in Christian county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That there is hereby established a bank of Capital stock. deposit in the town of Pembroke, in Christian county, Kentucky, with a capital of fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified ; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the Pembroke Deposit Bank, and shall continue for thirty years from its organization ; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever ; may have a common seal and change or renew the same at pleasure.

§ 2. Said bank shall be under the control and management of seven directors, each of whom shall be a Board of directors. stockholder. They shall be residents of this State, and, after the first election, shall be elected annually on the first Saturday of January of each year, and hold office until their successors are elected and qualified ; they shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be had whenever deemed necessary ; and in case of death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to declare dividends of the profits arising out of the business of the bank, and to appoint such officers, agents and servants as they may deem necessary to conduct the business of the bank, and pay them such wages and salaries, and take from them

Bank to retain  
lien on unpaid  
stock.

such bonds to secure the faithful performance of their duties, as they may think proper and reasonable. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall from time to time establish; but the bank shall have a lien on the stock to secure any indebtedness to it by the stockholders for any unpaid balance on the stock subscribed for.

§ 3. That W. W. Garnett, Rob't W. Downer, W. D. Commissioners. Garnett, Isaac Garrott, Dr. E. S. Stuart, D. A. Bro-  
naugh and M. G. Miller, be, and they are hereby, appointed commissioners, any three of whom may open books and receive subscriptions for the capital stock of said bank: and when two hundred and fifty shares have been subscribed, it shall be their duty to give public notice, by written or printed notices, posted at four public places in the town of Pembroke, or in a newspaper published in said county, and fix a day for the election of a board of directors, who shall hold their office until the ensuing annual election; and said election shall be held on the day, and at the place designated by the said commissioners, and by them or any three of them; and at the said election each stockholder shall have one vote for each share of stock he or she may own in said bank, and the vote may be cast by the stockholder in person or by the person named in a proxy, duly signed by such stockholder; and if from any cause said election should not be held on the day fixed, it may be held on any other day fixed by them as hereinbefore prescribed; and the certificate of said commissioners shall be proof of the election of the said directors.

§ 4. That after the said first election the annual Annual election. election of the board of directors hereinbefore provided for shall be held at the banking-house of the said bank in Pembroke, by a judge and clerk designated by the board of directors at some meeting before said election; and the certificate of such judge and clerk shall be proof of the election of the persons

therein named as directors. At such election each stockholder shall have one vote for each share of stock he or she may own and hold in said bank which has been fully paid, and may be cast by the stockholder in person or by the person named in a proxy duly signed by such stockholder.

§ 5. The payments for the shares of stock sub-<sup>Stock—how</sup>scribed shall be as follows: Five dollars on each share paid.  
at the time of subscribing and twenty dollars within ten days after the election of the first board of directors, and the residue in installments of twenty-five dollars on each share every thirty days: *Provided*, That after twelve thousand five hundred dollars shall have been paid, the board of directors shall have power to prolong the time for the payment of the residue; and should any of the subscribers fail to pay for their subscription of stock as herein provided, the directors may, by resolution entered on their records, and after giving notice of their intention in a newspaper in said county, forfeit such stock, and resell the same at such time as they may deem best; but in case of such forfeiture the amount paid on said stock shall be refunded to the holder of said stock. Said corporation may commence business as soon as twelve thousand five hundred dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge or justice of the peace.

§ 6. Said bank may receive deposits of gold and silver, bank notes, and other notes which may be law-<sup>Discount and</sup>fully circulated as money, and repay the same in such deposit.  
manner and at such times as may be agreed upon with the depositors by special or general contract; may deal in loaning of money, exchange, promissory notes and other evidences of debt, take real and personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon at the time, in writing, in all respects as natural persons may do under the common law; and the

promissory notes made negotiable and payable at its banking-house, or any other bank in this State, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the acceptors, drawers and indorsers.

May acquire property.

§ 7. The said corporation may acquire, hold and possess, use, occupy and enjoy all such real estate goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of this State or of the United States: *Provided, however*, That said bank shall not hold any real estate conveyed to it as surety for or purchased in satisfaction, in whole or part, of any debt, judgment, or decree, for a longer period than five years.

§ 8. It shall not be lawful for said bank to issue any note or bill to be passed and used as currency.

§ 9. The private property of the individual stockholder shall in no case be liable or responsible for corporate debts.

Deposits from minors and married women.

§ 10. Said bank shall be authorized to receive deposits from minors and married women, and their checks or orders for such deposits shall be good and valid against all parties whatever.

Limitations.

§ 11. No stockholder at any time shall own or hold, directly or indirectly, more than one hundred shares of stock in said bank.

§ 12. The General Assembly shall have the right to examine the affairs of said corporation by any committee, officer or agent they may appoint for the purpose; and this act shall be subject to repeal and amendment at the pleasure of the General Assembly.

§ 13. This act to take effect and be in force from its passage.

Approved January 21, 1890.



## CHAPTER 43.

AN ACT to incorporate the Kentucky Safety Vault and Trust Company, of Paducah.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That B. H. Wisdom, William Beadles, George Rock, J. W. Bloomfield, S. B. Caldwell, G. M. Ochlschlaeger and H. L. Jones, and all other persons who shall hereafter become stockholders of the company hereby incorporated, shall be a body-corporate by the name of the Kentucky Safety Vault and Trust Company, of Paducah ; and by that name have perpetual succession, and may contract and be contracted with, sue and be sued, and have all the powers hereinafter given ; and may have and use a common seal and alter the same at pleasure.

Name and incorporators.

§ 2. The capital stock of said company shall consist of five hundred shares of the value of one hundred dollars each, with the privilege to increase the same by a vote of two-thirds of the stockholders, at any annual or special meeting, to any sum not exceeding five hundred thousand dollars ; and the incorporators, or any three of them named in the first section of this act, shall have the power to open books and receive subscriptions at such times and places as they may deem expedient ; and when not less than five hundred shares shall have been subscribed and twenty per cent. thereof paid in, the shareholders may elect a board of not less than five nor more than nine directors, who shall serve until the next annual election or until their successors are duly elected and qualified ; and the directors so elected of said company, when it shall have been organized, may, and they are hereby authorized and empowered to have and to exercise, in the name and in behalf of the company, all the rights and privileges which are hereby given, subject only to such liabilities as other

Capital stock.

shareholders are subject to, which liabilities are no more than for the payment to the company of the sums due or to become due on the shares held by them; and, should the capital stock at any time be increased, the stockholders at the time of such increase shall be entitled to a pro rata share of such increase upon the payment of the price fixed by the board of directors.

Place of busi-  
ness. § 3. The principal office of said company shall be in the city of Paducah, Kentucky. All the directors of said company shall be citizens of the State of Kentucky, and the board of directors shall keep a record of their proceedings.

Directors and  
officers. § 4. The directors shall elect from their number, at the first meeting of the board after their election, and directly after each annual meeting of the stockholders, a president and a vice president, who shall hold their offices for the term of one year, and until their successors are elected and qualified; and may appoint a secretary and treasurer, and such other officers, clerks, agents and employes as the business of the company may require, and fix their compensation, and may require from any of said officers bond for the faithful discharge of their duty. All elections for directors shall be *vina voce*, and every stockholder shall be entitled to one vote for each share of stock held by him; but no person shall be eligible as director who is not a stockholder to the amount of ten shares. At any meeting of the stockholders a quorum shall consist of stockholders owning at least one-third in value of the capital stock, and a majority of those in office of the board of directors shall constitute a quorum.

Powers of board § 5. The board of directors shall make all by-laws necessary for conducting the business of the corporation, and shall have power to require payment of the amount remaining unpaid on the stock of the corporation at such times and in such proportions as they

shall think proper. The corporation shall have a lien on the stock for any amount that may be due thereon.

§ 6. Said corporation may purchase, erect or lease a building or premises containing a strong and commodious safety vault and a number of small compartments or boxes, designed and adapted for renting to persons or corporations who desire to have a place of safe deposit for valuables; and said corporation is hereby empowered to rent out the boxes in such safety vault to such persons and for such sums of money and for such time as may be agreed between such corporation and such persons as may jointly or severally rent one or more of said boxes or compartments.

May acquire buildings, vaults, etc.

§ 7. Said corporation is hereby empowered to receive for safe-keeping any valuables that may be intrusted to it, receipting for the same by its president, vice-president or secretary, and may guarantee such special deposits for such compensation as may be agreed upon between said corporation and said depositors.

Deposits.

§ 8. The said corporation may be appointed and may act as guardian of infants, as executor or administrator, or committee of idiots or lunatics, as receiver, assignee, or other trustee, whether appointed by deed, by last will and testament, by any court within this Commonwealth, or in any other manner not inconsistent with law. It may receive and hold in trust estate, real and personal, including the notes, bonds, obligations and accounts of estates and individuals, of companies and corporations, private or public; and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same, in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estate, receiving and collecting rents and other moneys, in the issuing and countersigning certificates of stock, bonds, or other obligations of any corporation or municipality, State or public authority, and may receive and manage any

May act as guardian, administrator, etc.

sinking fund therefor ; and may accept and execute and guarantee all such trusts of every description, not inconsistent with the laws of this State, as may be committed to it by any person or persons, or by any corporation, or by any court of record of this or any other State. It shall have a trust department, and all of its business of a fiduciary character shall be kept in a separate and special set of books.

Capital stock—  
how invested.

§ 9. One-half of the capital stock paid in shall be invested in such securities, at such rates of interest as they may promise to pay, as are authorized by law for trustees, and from time to time shall be re invested in the same, and shall be kept separate and apart from other investments, and designated on the books of the company as "Investments of Trust Capital ;" and it shall be the duty of the company, through its president and secretary, to make a detailed statement annually (or oftener, if so required) to such court or courts as may have committed any trust or trusts to said company of all such investments, together with a statement, as near as practicable, of the value of the estates and property so committed by said court to said company, which statement shall be verified by the oath of one of said officers ; and said trust capital shall be specially and primarily liable for the obligations of said company as executor, administrator, guardian, receiver, assignee, or trustee in any other capacity, and shall not be liable for any other debt or obligation of the company until all its obligations in regard to its trusts as aforesaid shall have been first duly met and discharged. The residue of the capital and other moneys in the hands of the company may be loaned or invested in such manner as may be determined by the corporation ; but nothing herein shall be construed to permit said company to discount paper, or to engage in the business of banking. Said corporation shall keep a complete set of books, showing receipts and disbursements of money, and giving a full and correct account of all its transactions in each and all

of the trusts committed to its care, which books shall be open to the inspection of the courts committing such trusts to its care, and to the parties in interest, at such times as such courts may direct.

§ 10. The capital of said company shall be taken and considered as the security required by law for the faithful performance of its duties, and other security shall not be required upon its appointment to any of the offices or duties mentioned herein, except when required by the courts or by parties in interest; but any court having jurisdiction to make or approve such appointment shall have power, before making or approving the same, and at any time thereafter, to examine the officers of the company under oath or affirmation as to the security aforesaid and the amount and extent of its fiducial liabilities, and, if deemed advisable by said court or courts, to appoint a suitable person to investigate the affairs and management of said company, who shall report to such court the manner in which its investments are made, and the security offered to those by or for whom its engagements are held, the expense of such investigation to be paid by said company.

Capital stock as security.

§ 11. In the exercise by said company of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty imposed by the courts or otherwise committed to said company, it shall be subject to the same duties and responsibilities, shall have the same powers, and shall receive the same compensation as may be fixed by law with relation to individuals holding similar offices or trusts, except as herein otherwise specially provided. The exercise of the other powers, and the performance of other duties by said company, may be, as to compensation and otherwise, matters of contract with the parties interested.

Same powers as individuals.

§ 12. Said corporation may, from time to time, declare and pay dividends, but such dividends shall be paid only from the net earnings of the company.

§ 13. The number of directors may at any time, by a vote of the stockholders owning two-thirds of the capital stock, be increased to any number not exceeding nine ; and at any annual meeting may be reduced to any number not less than five, by the same vote. Vacancies in the office of director may be filled by the board until the next regular election.

§ 14. Subject to the limitations named in section ten, the capital stock of the company shall also be taken and accepted as the only surety or security required by law on any bond or bonds required or necessary to be executed by said company as guardian, committee of person or persons of unsound mind, in proceedings to sell the real property of persons under disability as provided by the Civil Code of Practice, or upon any other bond or bonds required or necessary to be executed by said company as guardian, trustee, committee or otherwise, or upon any bond of indemnity or other bond or bonds that may be required of said company in the course of any judicial proceeding, or in the prosecution of any remedy allowed by law to it in any of its fiducial capacities, unless further security be required by the parties in interest.

§ 15. This act shall take effect and be in force from its passage.

Approved January 22, 1890.

## CHAPTER 45.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Hopkinsville," approved April fifth, one thousand eight hundred and seventy, and to divide the city of Hopkinsville into wards, and to provide for councilmen.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the city of Hopkinsville shall be, and is hereby, divided into seven distinct and separate

Divided into  
wards.

wards, which shall be known as the First, Second, Third, Fourth, Fifth, Sixth and Seventh Wards respectively. The said wards shall be included within the following boundaries, namely :

*First.* All that portion of the said city of Hopkinsville included within the following boundary shall be called and known as the "First Ward:" Beginning on the river at the foot of Second street ; thence eastward with Second to Clay street ; thence southward with Clay to Seventh street ; thence westward with Seventh street to the river ; thence up the river to the beginning.

*Second.* All that portion of the said city of Hopkinsville included within the following boundary shall be called and known as the "Second Ward:" Beginning on the river at the foot of Seventh street ; thence eastward with Seventh to Railroad street ; thence southward with Railroad to Fourteenth street ; thence westward with Fourteenth street to Clay street ; thence southward with Clay street to Fifteenth street ; thence westward with the line of Fifteenth street, and with Fifteenth street and the Canton road to the city limits ; thence with the city limits northward to the river, and up the river to the beginning.

Boundary of  
wards.

*Third.* All that portion of said city of Hopkinsville included in the following boundary shall be called and known as the "Third Ward:" Beginning at the intersection of Ninth and Railroad streets ; thence with Railroad street southward to the city limits ; thence with the city limits eastward to Ninth street ; thence with Ninth street westward to the beginning.

*Fourth.* All that portion of said city of Hopkinsville included within the following boundary shall be called and known as the "Fourth Ward:" Beginning at the intersection of Fourth and Clay streets ; thence with Fourth street eastward to its intersection with Seventh street ; thence eastwardly with Seventh

street to the city limits ; thence in a southerly direction, with the eastern boundary of said city, to Ninth street ; thence with Ninth street westwardly to Railroad street ; thence northwardly with Railroad street and the Louisville and Nashville Railroad to Seventh street ; thence westwardly with Seventh street to Clay street ; thence northward with Clay street to the beginning.

*Fifth.* All that portion of said city of Hopkinsville included within the following boundary shall be called and known as the "Fifth Ward : " Beginning at the foot of Second street on the river ; thence eastward with Second street to Clay street ; thence southward with Clay street to Fourth street ; thence eastward with Fourth street to the intersection of Seventh street ; thence eastward with Seventh street to the city boundary ; thence westward with the city boundary to the river ; thence down the river with its meanders to the beginning.

*Sixth.* All that portion of the city of Hopkinsville included in the following boundary shall be called and known as the "Sixth Ward : " Beginning at the intersection of Railroad and Fourteenth streets ; thence with Fourteenth street westward to Clay street ; thence southward with Clay street to the line of Fifteenth street ; thence westward in a line with Fifteenth street, and with Fifteenth street and the Canton road, to the city boundary ; thence southward and eastward with the city boundary to the track of the Louisville and Nashville Railroad ; thence with said railroad to the beginning.

*Seventh.* All that portion of said city of Hopkinsville included within the following boundary shall be called and known as the "Seventh Ward : " Beginning at the intersection of the Louisville and Nashville Railroad with the northern boundary of the city of Hopkinsville at the railroad bridge ; thence with the line of the city boundary northwest, southwest



and southward to the river ; thence up the river with its meanders to the beginning.

§ 2. The legislative powers of the said city shall be vested in seven councilmen, whose qualifications shall be the same as now provided by law ; and each of the said wards shall be entitled to one and only one member of the board of councilmen of the said city, who shall at the time of his election and membership be a *bona fide* resident of the ward from which he shall be elected. In case of his removal from the ward from which he is chosen his office shall be declared vacant, and the vacancy filled as now provided by law.

§ 3. The several voting places of the said wards shall be as follows: For the first ward, at the city court-house ; for the second ward, at Hipkins' livery stable ; for the third ward, at the Planters' warehouse ; for the fourth ward, at Wheeler's warehouse ; for the fifth ward, at the Rock Bridge stemnery on North Main street ; for the sixth ward, at E. L. Foulk's coal yard ; for the seventh ward, at Armstrong's livery stable near Seventh street bridge. But the board of councilmen may, from time to time, change these several voting places, or any of them, in their discretion: *Provided*, That the votes of the voters of the several wards above enumerated shall, in no election for city officers, be taken, recorded, or received outside the limits of the particular ward in which such voter or voters shall reside at the time.

§ 4. It shall be unlawful at any election for councilmen for the voters of the several wards above enumerated to vote for any candidate or person for councilman of the said city, except one ; and such candidate or person so voted for for said office of councilman, shall be a resident of the ward in which such voter resides.

§ 5. No person shall be deemed a qualified voter for the office of councilman of said city who has not been, for at least sixty days, next preceding the election,

a *bona fide* resident of the ward in which he proposes to vote.

§ 6. Subsection first of section thirteen of article three, and the words "when laid off and established by the board of councilmen as hereinafter provided," in the first section of said article three of the act of which this is an amendment, are hereby repealed; and hereafter the board of councilmen of said city shall have no authority to divide or sub-divide said city into wards.

§ 7. This act shall take effect from and after its passage: *Provided*, That the term of office of the present board of councilmen shall remain as now fixed by law.

§ 8. All laws and parts of laws in conflict with this act are hereby repealed.

Approved January 22, 1890.

## CHAPTER 46.

AN ACT to incorporate Simpson County Bank, Franklin,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there be, and there is hereby, established in the town of Franklin, Simpson county, State of Kentucky, a bank by the name of "Simpson County Bank," with a capital stock of fifty thousand dollars, to be divided into shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided; and the subscribers and holders of said shares of stock, and their successors, associates and assigns, shall be, and are hereby, created a body-politic and corporate, under the name and style of "Simpson County Bank," and shall continue a body-politic and corporate for fifty years from the date of its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of answer-

ing and being answered, and of defending in all courts and places whatever. It may have a common seal, and change and renew the same at pleasure.

§ 2. Said bank shall be under the control, management and direction of seven directors, each of whom shall be stockholders, and, after the first election, shall be elected annually on the first Monday in January in each year, and shall hold their offices for one year, and until their successors are elected and qualified. They shall elect one of their number president of the bank, also they shall elect one of their number vice-president. The vice-president shall act as a director at all times, except when performing the duties of president. The directors shall hold regular meetings at such times as may be fixed by the by-laws, but the president may call a meeting at any time he may think proper, of either the directors or stockholders. In case of death, resignation or inability of any director to serve, the vacancy shall be filled by the board of directors till the regular annual election. The directors shall have power to receive subscriptions for so many of the shares of stock of said bank remaining unsold as they may at any time choose to sell; to declare dividends of the profits arising from the business, and to appoint such officers, agents or employes as they may deem necessary to conduct the business of the bank, and pay them such compensation, and take from them such bonds to secure the due and faithful performance of their duties, as they shall think proper and reasonable; but the cashier of said bank shall be a stockholder, and shall be elected by the directors immediately after their election and qualification. A failure to hold the regular annual election on the day above designated shall in no case or in anywise impair the rights and privileges of said corporation, but in such case the election may be held on a day appointed by the board of directors, after thirty days' written notice by the cashier or the president, posted at the banking-house of said bank, or

published in two successive issues of any Simpson county newspaper, and shall have the same effect as if held on the regular day designated. At all said elections for directors each stockholder shall have one vote for each and every share of stock he or she may own or hold in said bank. The stock of any absent stockholder can only be voted by written proxy for officers or otherwise. The board of directors, at their last regular meeting next before the election of officers, shall appoint a judge and clerk (who shall also be stockholders) to hold said election of directors, and the certificate of such judge and clerk shall be conclusive proof of the election of the persons therein named as directors.

§ 3. The terms of office of the cashier, clerks and other agents or employes of said bank shall continue only at the pleasure of the directors.

Take oath.

§ 4. The president, directors and other officers of this bank, previous to entering on the discharge of the duties of their several offices, shall take an oath before a justice of the peace, or some other officer authorized to administer an oath, to faithfully, honestly and to the best of their skill and judgment discharge all the duties of their respective offices and stations under this charter, or which may be required of them by the by-laws and rules of said bank.

By-laws.

§ 5. The board of directors shall have power to make all necessary by-laws as they may deem proper for the management of the bank: *Provided, however,* The same shall not be contrary to the laws of this State or of the United States, nor in conflict with this charter.

Deposits.

§ 6. The bank may receive deposits of gold, silver, bullion, currency or any thing lawfully circulating as money, and repay the same in such manner, at such times and with such interest (not to exceed the legal rate fixed by law) as may be agreed upon with the depositors by general or special contract. It may borrow or lend money, buy or sell checks, bills of

exchange, promissory notes, current or uncurrent money, bonds, stocks, mortgages and other evidences of debt, and do a general banking business; may take personal, collateral, real estate or other securities for the payment of obligations, and dispose of same as may be agreed upon by the parties. All promissory notes and bills made payable and negotiable at the banking-house of said corporation, or at any other banking-house, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon said bills may be had thereon, jointly and severally, against the drawers, acceptors and indorsers thereof. The said corporation may buy, acquire, hold, possess, use, occupy and enjoy all such real estate, goods and chattels, as may be necessary and convenient for the transaction of its business, or which may be mortgaged or conveyed to it as security for any loan or debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same by deed duly signed and acknowledged by the president of the bank, which deed shall vest in the grantee a good, valid and fee-simple title to said property: *Provided*, Said bank shall not hold any real estate conveyed to it as security for or in payment of any judgment, decree or debt due to it for a longer period than five years, except such as may be necessary for the transaction of its business.

Real and personal estate.

§ 7. Said bank may receive deposits from minors and married women, and the checks and receipts and acquittances of such minors and married women shall be good, valid and effectual in law to protect the bank from any and all liability to the parent, guardian or husband of such minor or married woman.

§ 8. The payment for the shares of stock subscribed shall be made as follows, namely: Fifty dollars shall be paid on each share when subscribed, and the residue in such installments and at such times as the

Payment of capital stock.

board of directors may determine; and should any of the subscribers or stockholders fail to pay for their subscription of stock as herein provided, after giving them notice for thirty days of their intention, the directors may, by resolution entered on their records, cancel such unpaid stock and resell the same at such time as they may deem expedient, the cancellation of such unpaid stock to be contemporaneous with the selling of said stock, and the original subscriber of the stock to be held liable for the full amount of it until it is sold.

Commissioners. § 9. Chas. F. Potter, Geo. H. Patterson and Jno. B. Montague are hereby appointed commissioners to open a book and receive subscriptions to the capital stock, and when three hundred shares have been subscribed and fifty per cent. paid on each share subscribed, it shall be their duty to give notice, by printed advertisement or otherwise, to the stockholders, appointing a day for the election of a board of directors, who shall hold their offices until the ensuing election. The commissioners shall appoint one of their numbers to receive payment of fifty per cent. of the amount of the stock subscribed. When this amount is received by said commissioner, the notice shall be given as stated above, and the election held, and then said amount shall be paid over to the cashier, and after fifteen thousand dollars shall have been paid to the cashier, said bank may commence business.

Pay taxes. § 10. It shall be the duty of the cashier of the bank, on the first day of July of each year, to pay into the Treasury of the Commonwealth of Kentucky the taxes required by law on each one hundred dollars' worth of paid-up stock in said bank, which shall be in lieu and in full of all taxes, State, county and municipal, against the bank.

Liability of stockholders. § 11. The stock of the bank shall be deemed personal property, and can be transferred only on the books of the bank. Every stockholder shall be indi-

vidually liable to the full amount of unpaid stock subscribed for and owned by him; but when said stock shall have been fully paid for, no further liability shall attach to said stockholder in any event.

§ 12. Said bank shall have a lien on the stock of any stockholder for any money he or she may be owing said bank.

§ 13. When a stockholder pays up his or her subscription in full, the president and cashier shall issue a certificate to such for the number of shares owned by him or her in said bank.

§ 14. The capital stock of said bank may be increased to any sum not exceeding one hundred thousand dollars, whenever at a meeting of the stockholders of the bank two-thirds of the capital stock held therein shall vote an increase of capital stock thereof. And said increase of capital stock may be had at different times, and in different sums, according to the will of the stockholders, as expressed from time to time, at any meeting for such purpose; each owner of stocks shall have had ten days actual notice before said meeting: *And provided*, That said increase of capital stock shall be subscribed, paid for and held as the other and original stock in the bank is subscribed, paid for and held. increase capital stock.

§ 15. Legal representatives, such as administrators or executors of deceased stockholders or guardians of infant heirs, shall have the right to represent the stock of such, and of voting on all questions that stockholders have, but shall not be eligible to hold office.

§ 16. At all meetings of stockholders (annual, for Annual election. the election of officers or called) the cashier shall notify every stockholder by mailing a written or printed notice of the time and purpose of said meeting, this notice to be inclosed in an envelope with a stamp on it, and both notice and envelope to be inclosed in another envelope, and one addressed to each stockholder. Upon the stockholder receiving

said notice it will be his or her duty to write his or her name on the back of the notice and return it by mail to the cashier of the bank, thus to show that he or she received notice of said meeting.

§ 17. Said bank shall have the right and power to May act as administrator, etc. be appointed the administrator or the personal representative of any decedent, and shall have the power to administer the estate of said decedent; shall also have the power to be appointed and act as the executor of the will of any decedent; shall also have the power to act as trustee, committee, guardian or curator for any one; but said bank shall execute bond and give security as administrator, executor, personal representative, guardian, curator or committee, and shall discharge all the duties of said trusts as a natural person is required to do by law.

§ 18. Said bank may, by a two-thirds vote of the capital stock held therein, at any regular election, wind up the business of said bank, close and quit said business.

Approved January 22, 1890.

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## CHAPTER 47.

AN ACT to amend an act, entitled "An act relating to the working of public roads in Washington county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act relating to the working of public roads in Washington county," approved February third, one thousand eight hundred and eighty-eight, be, and the same is, amended as follows: Strike out the word "seventy-five," in section one of said act, and insert in lieu thereof the word "fifty."

§ 2. Strike out the word "ten," in section one of said act, and insert in lieu thereof the word "eight."



§ 3. Whenever it shall be made to appear to the judge of Washington county court, by affidavit or otherwise, that any surveyor is doing any unnecessary work on his road, or is discriminating in calling out hands to work a road, or shall allow a person to work the same who is not assigned for that purpose, or in any other way attempt to abuse or take advantage of the general road law, or the act of which this is an amendment, or of this act, it shall be the duty of said judge to notify such surveyor to appear before him at any time after the notice has been served three days, and if it shall be made to appear that such surveyor has or is about to violate the provisions of this act or other laws governing the working of public roads, it shall be the duty of said judge to remove the surveyor from office and appoint some other competent person to the position.

§ 4. This act shall take effect and be in force from and after its passage.

Approved January 22, 1890.

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## CHAPTER 48.

AN ACT for the building and maintaining of bridges on county roads in the county of Campbell.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That for the sole purpose named in the title, the board of magistrates of Campbell county, residing outside the corporate limits of Newport, Dayton, and Bellevue, may annually levy a tax of not exceeding (10) ten cents on the one hundred dollars' valuation of all taxable property in said county, and the same shall be collected by the sheriff at the same time, and in the same manner, and under the same responsibility as he collects other county or district tax.

§ 2. The provisions of this act shall not apply to

the corporate limits as they now exist, or may be hereafter extended, of Newport, Dayton, Bellevue, Alexandria, or California, nor to the districts of Hayfield and Highlands, and that small territory adjoining Dayton, known as road district number (10) ten.

§ 3. This act shall take effect from its passage.

Approved January 22, 1890.

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## CHAPTER 49.

AN ACT to amend the charter of the Green River Coal and Mining Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter granted to the Green River Coal and Mining Company, under chapter fifty-six of the General Statutes, and recorded in Warren County Court clerk's office on December first, one thousand eight hundred and eighty-seven, be amended as follows: The affairs of said corporation shall be conducted by a board of directors, consisting of not less than five nor more than ten members. Said directors shall be chosen annually by the stockholders, and shall hold their office for one year, and until their successors are chosen and qualified. The time and place of such election shall be fixed by the directors. The directors may elect a president of said corporation, vice-president and secretary-treasurer, and such other officers as may be deemed necessary. The directors may also adopt and change at pleasure a seal for said corporation. No person shall be chosen a director of said corporation who is not a stockholder. And the directors may make such by-laws for the government of said company as they deem best, not inconsistent with the charter nor the laws of Kentucky.

§ 2. Two-thirds of the stockholders in amount consenting, the directors of said company may issue the coupon bonds of said company, bearing not exceeding six per centum interest, due at not exceeding thirty years from date, in such denominations as the directors may determine. Said bonds must be signed by the president of said company and countersigned by its secretary, and each coupon must be signed by the secretary. The directors are authorized and empowered to cause to be issued not exceeding forty thousand dollars in said bonds; and to secure the payment of said bonds, or as many as may be issued, not exceeding forty thousand dollars in all, the directors of said company may, by resolution, direct the president of said company, for and in behalf of said company, to cause to be executed, acknowledged and recorded a mortgage or deed of trust upon any or all of the property of said company, including real and personal property, rights, privileges, franchises and all of the property of said company of every description. The directors are given full power to determine the denomination of said bonds, to whom they shall be made payable, how long they shall run, the rate of interest, and all the minutia not inconsistent with the foregoing provisions.

§ 3. The present acting board of directors shall continue to act until the next annual election, and until their successors are elected and qualified.

§ 4. This act to take effect from and after its passage.

Approved January 24, 1890.

## CHAPTER 50.

AN ACT to authorize the people of Boyle county to vote on prohibiting the sale of liquors, and fixing the penalty for the sale of liquors in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful for any person or Does not apply to wholesalers. persons to sell, barter or traffic any spirituous, vinous or malt liquors, or any mixture thereof, in any quantity whatsoever, either directly or indirectly, in the county of Boyle: *Provided, however,* That it shall not be unlawful for any wholesale dealer or dealers to sell any such liquors in quantities of not less than ten gallons in a single cask, barrel or package.

Punishment. § 2. Any person violating the provisions of the preceding section of this act shall, upon conviction thereof, be fined not less than one hundred dollars nor more than two hundred dollars, in the discretion of the jury trying the case.

§ 3. This act shall not take effect or be in force until the same shall be ratified and approved by a majority of the votes cast at an election hereinafter provided for in this act.

Election. § 4. Said election shall be held at the regular voting places in each and every precinct in said county, as now established by law, on Saturday, the seventeenth day of May, one thousand eight hundred and ninety; and it shall be unlawful for any person to vote at said election who is not eligible to vote for Representative to the General Assembly. It shall be the duty of the clerk of the Boyle County Court, in preparing the poll-books for said election, to make one column, worded at the head thereof on each page, "For the sale of spirituous, vinous or malt liquors," and another column worded at the head of each page, "Against the sale of spirituous, vinous or malt liquors." It shall be the duty of the clerk of said

election to propound to each voter at said election the question: "Are you for or against the sale of spirituous, vinous or malt liquors in the county of Boyle?" and his vote shall be recorded in accordance with his answer.

§ 5. The officers of said election shall be appointed by the same officers and in the same manner as officers of general elections are now appointed, and said officers of election shall be governed by the laws now regulating the conduct and duties of officers of general elections. They shall return the poll-books of the election to the clerk of the county court on Monday, the nineteenth day of May, one thousand eight hundred and ninety; and on Tuesday, the twentieth day of May, one thousand eight hundred and ninety, at the hour of ten o'clock A. M., the county judge, county clerk and sheriff of said county shall meet at the court-house of said county, and shall proceed to count and compare the polls cast at said election. If it shall appear from said comparison and count of votes that a majority of the votes cast at said election are against the sale of liquors in said county, then said officers, or a majority of them, shall make out a certificate stating such fact, which certificate shall be filed with the county clerk, who shall record the same in the order book of the county court, and then this act shall be in full force and effect.

§ 6. All violations of this act shall be prosecuted by indictment in the circuit court, or on warrant before the judge of the county court; and in all cases arising under this law the county judge of Boyle county is hereby given jurisdiction to the amount of two hundred dollars; and the county attorney shall prosecute all warrants before the county judge, and shall receive the same per cent. of the fine collected as in other cases so prosecuted by him.

§ 7. It shall be unlawful for the county judge of Boyle county, or the trustees or council of any town

Election governed by general law.

Jurisdiction.

Does not invalidate license.

in said county, or any court or any tribunal in said county, to grant or issue any license to any person or persons or corporation to sell any spirituous, vinous or malt liquors, or any mixture thereof, in said county, after the adoption of this act, by a majority of the votes of said county at the election hereinbefore provided for. Nothing in this act shall be construed to interfere with the privilege of any person, nor to prohibit any person from selling liquors under license which he now has, and which was properly granted, until the expiration of said license.

Does not apply  
to physicians.

§ 8. Nothing in this act shall be construed to prohibit any regular practicing physician from prescribing or supplying any patient under his treatment with any such liquors, as far as he may in good faith deem the same necessary as a medicine for the proper medical treatment of such patient. Nor shall any thing herein be construed to prohibit a regular druggist from filling and selling, in good faith, any prescription for such liquors made out and signed by a regular practicing physician, stating that it is for medical uses, and the quantity and for whom. No prescription shall authorize more than one sale, and every prescription shall be filled and preserved by the druggist. And nothing in this act shall be construed to prohibit the sale of wine to the proper officers of all churches to be used for sacramental purposes.

Not to be submitted  
for five years.

§ 9. If at said election a majority of votes are cast against the sale of liquors, then, at the expiration of five years after this act shall go into effect, the county judge of Boyle county, on the written application of five hundred voters, tax-payers, residents of said county, shall submit the question as to the sale of said liquors in said county to the legal voters of said county, in the same manner and mode as hereinbefore prescribed; but this act, if approved and adopted by the majority of the votes at the election held on the seventeenth day of May, one thousand eight hundred and ninety, shall remain in full force and effect until

repealed by a majority of the voters of the county at an election to be held at the time and in the manner prescribed in the foregoing part of this section.

§ 10. The county judge of Boyle county shall give <sup>Notice—how given.</sup> twenty days' notice of the election provided for in this act, by publication in the newspapers published in said county, and by written or printed notices posted up in at least six different public places in each voting district in said county.

§ 11. Nothing herein shall be construed as prohibiting any proceedings or conviction of any person or persons for violating any ordinance or ordinances, present or future, of the board of trustees of the town of Danville, or any incorporated town in Boyle county, prohibiting the sale of such liquors or any of them. All of said ordinances of said towns are hereby continued in full force and effect.

§ 12. The provisions of this act shall not apply to distillers.

§ 13. This act, in so far as it authorizes the election provided for herein, shall take effect and be in force from and after its passage.

Approved January 24, 1890.

## CHAPTER 51.

AN ACT for the benefit of Kitty Hawkins, widow of Samuel Hawkins, deceased, late of Christian county.

WHEREAS, It is represented to this General Assembly that Samuel Hawkins, colored, a citizen of this Commonwealth and a resident of Christian county, has departed this life, and that he was a bastard, but that he left surviving him no descendants, and no heirs or next of kin that could inherit his property under the laws of this Commonwealth; and whereas, it is further represented that the said Samuel Hawkins left a widow, Mrs. Kitty Hawkins, who still

survives, and that he was at the time of his death the owner of a house and lot in Hopkinsville, in said county, which he was in possession of and which he occupied as his residence, together with a small amount of personal property, all of which has vested in the Commonwealth subject to the debts and liabilities of the said Samuel Hawkins (the same not having been disposed of by will), and to the dower right and rights of distribution and exemptions of his said widow ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That all of the right, title and interest of the Commonwealth of Kentucky in and to the property, both real and personal, of which the said Samuel Hawkins, late of the county of Christian, died seized and possessed, and which may have vested in the Commonwealth by reason of his dying without having disposed thereof by will, and without heirs or distributees entitled thereto, is hereby relinquished and vested in his widow, the said Kitty Hawkins: *Provided*, The said property shall be subject to the debts and liabilities of the said Samuel Hawkins, to the same extent as it would have been under the existing laws, if the said Hawkins had left lawful heirs or distributees surviving him, and the Commonwealth of Kentucky shall not be liable therefor, or for any part thereof.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 24, 1890.



## CHAPTER 52.

AN ACT to incorporate the People's Savings Bank and Trust Company of Louisville, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That P. B. Reed, John G. Simrall, J. D. Reed, Name and incorporators. Abner Harris and F. W. Ferguson, all of Louisville, Kentucky, and all other persons who shall hereafter become stockholders of the company hereby incorporated, shall be a body-corporate by the name of the "People's Savings Bank and Trust Company" of Louisville, Kentucky, and by that name shall have perpetual succession, and may contract and be contracted with, sue and be sued, plead and be impleaded, and have all the powers hereinafter given; and may have and use a common seal and alter the same at pleasure.

§ 2. The capital stock of the corporation shall consist of eight thousand shares of the par value of twenty-five dollars each; but the capital stock may at any annual or special meeting of the stockholders be increased to any sum not exceeding one million dollars, or may, from time to time, at such meetings, be increased to the sum aforesaid, providing that at least three-fifths of the stock outstanding at the time of any such meeting or meetings shall vote for the said increase; and the stock so issued shall be first offered to the said stockholders in amounts *pro rata* with their respective holdings, on such conditions and for such length of time as the board of directors may determine: *Provided, however,* That none of said stock shall be sold by the company at less than its face or par value. Capital stock.

§ 3. The incorporators named in the first section, or a majority of them, are hereby empowered to open books for subscription at such times and places as to them may seem expedient, and when at least four When to commence business.

(4) thousand shares shall have been subscribed, and ten per centum thereon paid in, may proceed to elect a board of directors, to be composed of not less than five nor more than fifteen stockholders of the company. The directors so elected are to serve until the next annual election, which shall be on the second Wednesday of January of each year, or until their successors are elected and qualified; and no one but a citizen of Kentucky, and the owner of at least forty shares of the capital stock of the company, shall be qualified to act as director of this corporation. The directors of the company, when it shall have been organized, may, and they are hereby, authorized and empowered to have and to exercise, in the name and in behalf of the company, all the rights and privileges which are hereby given, subject only to such liabilities as other share-holders are liable to, which liabilities are no more than for the payment to the company of the sums due, or to become due, on the shares held by them.

Liability of  
stockholders.

§ 4. The principal office of the company shall be in the city of Louisville. The board of directors shall keep a record of their proceedings.

Place of business.

§ 5. Immediately succeeding their own election, or as soon thereafter as practicable, the directors, at a meeting of the board of directors held for that purpose, shall elect from their number a president and a vice-president, who shall hold their offices for one year, and until their successors are elected and qualified; but said officers may, at any time, be removed by a two-thirds vote of the full board of directors. The board of directors may appoint a secretary and a treasurer, and such other officers, clerks, agents and employes as the business of the company may require, and fix their compensation, and may require of any and all officers, agents or employes of the company bonds for the faithful performance of their duties; and all such excepting the vice-president may be dis-

Officers—liabilities.

charged by the president subject to approval by a majority of a board meeting.

§ 6. At all stockholders' meetings a quorum shall be constituted by the representation of at least one-third of the capital stock outstanding, and a majority of the board of directors shall be a quorum of that body. At all elections of directors the voting shall be *viva voce*, and every stockholder shall be entitled to one vote for each director for each and every share of stock owned by him, and voting may be done by proxy. Stockholders' meetings.

§ 7. The board of directors shall make and establish all by-laws necessary for conducting the business of the corporation, and may alter, amend or repeal the same in the manner in that instrument provided, and shall have power to require the payment of the amount remaining unpaid on the stock of the corporation at such times and in such proportions as they shall think proper, and the corporation shall have a lien on the stock for any amount that may be due thereon. Directors—powers.

§ 8. This corporation shall have the right and power to receive money on deposit, and to do all things that it is lawful for other banks in Kentucky to do; and it may allow the depositors, if the corporation chooses so to contract, interest on deposits at a rate not exceeding four per centum per annum, or may provide in its by-laws for the payment of interest, or dividends in lieu of interest, upon such terms as it may deem advisable. And all lands purchased by this corporation in satisfaction of debts shall be disposed of by said corporation within five years from the date of purchase, and, if not disposed of within that time, must be exposed to public sale at the end of five years from the date of said purchase. Interest on deposits.

§ 9. Said corporation may purchase, erect or lease a lot and building or premises containing a strong and commodious safety vault, and a number of small compartments or boxes designed and adapted for May acquire building and vault.

renting to persons or corporations who desire to have a place of safe deposit for valuables; and said corporation is hereby empowered to rent out the boxes in such safety-vault to such persons and for such sums of money, and for such time as may be agreed between such corporation and such persons as may jointly or severally rent one or more of said boxes or compartments.

Deposits.

§ 10. Said corporation is hereby empowered to receive for safe-keeping any valuables that may be entrusted to it, receipting for the same by its president, vice-president or secretary, and may guarantee such special deposits for such compensation as may be agreed upon between said corporation and said depositors.

May act as guardian, administrator, etc.

§ 11. The said corporation may be appointed and may act as guardian of infants, as executor or administrator or committee of idiots or lunatics, as receiver, assignee or other trustee, whether appointed by deed, by last will and testament, by any court within this Commonwealth, or in any other manner not inconsistent with law. It may receive and hold in trust estates, real and personal, including the notes, bonds, obligations and accounts of estates and individuals, of companies and corporations, private or public; and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estate, receiving and collecting rents and other moneys; in the issuing and countersigning of certificates of stock, bonds or other obligations of any corporation or municipality, State or public authority, and may receive and manage any sinking fund therefor; and may accept and execute and guarantee all such trusts of every description, not inconsistent with the laws of this State, as may be committed to it by any person or persons, or by any corporation, or by any court of record of this or any other State.

It shall have a trust department, and all of its business of a fiduciary character shall be kept in a separate and special set of books.

§ 12. One-half of the capital stock paid in shall be <sup>Stock—how in-</sup> invested in such securities, at such rates of interest as <sup>vested.</sup> they promise to pay, as are authorized by law for trustees, and from time to time shall be reinvested in the same, and shall be kept separate and apart from other investments, and designated on the books of the company as "Investments of Trust Capital;" and it shall be the duty of the company, through its president and secretary, to make a detailed statement annually (or oftener, if so required) to such court or courts as may have committed any trust or trusts to said company of all such investments, together with a statement as near as practicable of the value of the estates and property so committed by said court to said company, which statement shall be verified by the oath of one of said officers; and said trust capital shall be specially and primarily liable for the obligations of said company as executor, administrator, guardian, receiver, assignee or trustee in any other capacity, and shall not be liable for any other debt or obligation of the company until all its obligations in regard to its trusts as aforesaid shall have been first duly met and discharged. The residue of the capital and other moneys in the hands of the company may be loaned or invested in such manner as may be determined by the corporation. Said corporation shall <sup>Shall keep books,</sup> keep a complete set of books, showing receipts and disbursements of money, and giving a full and correct account of all its transactions in each and all of the trusts committed to its care, which books shall be open to the inspection of the court committing such trusts to its care, and to the parties in interest, at such times as such court may direct.

§ 13. The capital of said company shall be taken <sup>Capital stock as</sup> and considered as the security required by law for <sup>security.</sup>

Court may examine.

the faithful performance of its duties, and other security shall not be required upon its appointment to any of the offices or duties mentioned herein, except when required by the courts or by parties in interest, and shall also be taken and accepted as the only surety or security required by law on any bond or bonds required or necessary to be executed by said company as guardian, committee of person or persons of unsound mind, in proceedings to sell the real property of persons under disability as provided by the Civil Code of Practice, title ten, chapter fourteen, or upon any other bond or bonds required or necessary to be executed by said company as guardian, trustee, committee, or otherwise, or upon any bond of indemnity or other bond or bonds that may be required of said company in the course of any judicial proceeding, or in the prosecution of any remedy allowed by law to it in any of its fiducial capacities; but any court having jurisdiction to make or approve such appointments shall have power, before making or approving the same, and at any time thereafter, to examine the officers of the company under oath or affirmation as to the security aforesaid and the amount and extent of its fiducial liabilities, and, if deemed advisable by said court or courts, to appoint a suitable person to investigate the affairs and management of said company, who shall report to such court the manner in which its investments are made, and the security offered to those by or for whom its engagements are held, the expense of such investigation to be paid by said company.

Responsibility as guardian, etc.

§ 14. In the exercise by said company of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty imposed by the courts, or otherwise committed to said company, it shall be subject to the same duties and responsibilities, shall have the same powers, and shall receive the same compensation, as may be fixed by law with relation to individuals holding similar

offices or trusts, except as herein otherwise specially provided. The exercise of the other powers, and the performance of other duties by said company, may be, as to compensation and otherwise, matters of contract with the parties interested.

§ 15. Said corporation may, from time to time, de- Dividends.  
clare and pay dividends; but such dividends shall be paid only from the net earnings of the company.

§ 16. That promissory notes payable to any person or persons, or to a corporation, and payable and negotiable at the office of said company in Louisville, Kentucky, which shall be indorsed to, and discounted by any bank incorporated under any law of this Commonwealth, or organized in this Commonwealth under any law of the United States, shall be, and they are hereby, placed on the same footing as foreign bills of exchange.

§ 17. This act shall take effect and be in force from and after its passage.

Approved January 24, 1890.

## CHAPTER 53.

AN ACT to amend an act, entitled 'An act to amend an act, entitled 'An act to incorporate Hickman College,' approved April twentieth, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. For the purpose of enabling the trustees of Hickman College, in Hickman, Fulton county, Kentucky, to complete and furnish the Hickman College building in said city, and improve the grounds of same, the question of a subscription of three thousand dollars by taxation shall be submitted to the legally Submit tax. qualified white voters of the city of Hickman, at an election to be held in said city of Hickman, at the City Hall in said city, on the first Wednesday in April, one thousand eight hundred and ninety, and

that said election shall be held as follows: The common council of the city of Hickman, at their first regular meeting in March, one thousand eight hundred and ninety, shall order said election to be held, and shall appoint two judges, a clerk and a sheriff to hold said election; and have said election advertised in the Hickman Courier at least two weekly insertions next preceding said election; and that the clerk so appointed shall prepare a poll-book with two columns for the purpose of ascertaining the desire of said people of said city of Hickman in relation to the subscription aforesaid. The first column shall be headed "For Subscription;" the second, "Against Subscription." And in taking the vote in said election the question shall be distinctly put to each qualified white voter: "Are you for or against the subscription?" and the clerk of the election shall record the vote in accordance with the answer. That the vote on said question shall be kept, recorded and counted, and the result ascertained and certified by the officers of said election when the same is closed. Said election to be held from nine o'clock ante meridian till six o'clock post meridian. The sheriff of said election shall deposit the poll-book and certificate of said election with the clerk of the city council within two days after said election, and the same shall be examined by the common council at its next regular meeting thereafter, and the result noted in the minutes of said council, and the poll-books and certificates preserved, and shall be evidence of said election. And if a majority of the votes cast be in favor of said subscription, the city council of the city of Hickman shall make said subscription of three thousand dollars to complete and finish said college building and improve the grounds thereof.

City may issue  
bonds.

§ 2. To enable the city of Hickman to pay said subscription, it shall be lawful for, and the common council of said city are required, to issue the bonds of said city of Hickman, and said bonds to be issued



in two series of fifteen hundred dollars each. The first series to be due July first, one thousand eight hundred and ninety-eight, and the second series to be due July the first, one thousand eight hundred and ninety-nine, and said bonds to bear interest from their date, at the rate of six per centum per annum, interest due annually on the first day of July. Said bonds to be in any denomination not less than fifty dollars, and to be styled city of Hickman college bond, and made payable to the bearer and pass by delivery, and shall be signed by the city clerk and countersigned by the mayor, and the seal of said city attached; and the faith and credit of the city of Hickman be, and the same is hereby, pledged to carry out in good faith any and all contracts made by it for the issuance and payment of said bonds. Said bonds shall be exempted from municipal taxation by said city of Hickman.

§ 3. It shall be lawful and the common council of Levy taxes. said city shall, each year, levy an ad valorem tax not to exceed fifty cents on the one hundred dollars' worth of taxable property located in said city and owned and controlled by white persons, and a poll-tax not to exceed one dollar on each white poll within said city, to be levied and collected at the same time and in the same manner and by the same officers as now levied and collected, the current annual revenue of said city of Hickman. And when collected and paid into the city treasury of said city, shall be held as a sacred fund for the purpose of paying said college bonds, principal and interest, and for no other purpose.

§ 4. This act shall take effect and be in full force from and after its passage.

Approved January 24, 1890.

## CHAPTER 54.

AN ACT to incorporate the town of New Concord, in Calloway county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the town of New Concord, in the county of Calloway, be, and the same is hereby, incorporated, with such boundaries, streets, alleys, and such other public grounds, not exceeding one hundred and sixty acres, as may be laid out and defined by the trustees in a survey and plat of said town, which plat shall be recorded in the Calloway county clerk's office.

§ 2. That there shall be five trustees elected annually on the first Saturday in May for said town ; that said trustees and their successors in office shall be a body-politic and corporate, and known by the name and style of the Trustees of the town of New Concord, and by that name be capable of contracting and being contracted with. of suing and being sued, of pleading and being impleaded, in all courts of this Commonwealth ; and that said trustees may have and use a common seal, and shall have all the powers and privileges and be subject to the same duties and liabilities as is provided by the general law.

§ 3. The county court of said county may appoint trustees for said town, to hold their office until the first election and qualification of their successors.

§ 4. This act shall take effect from its passage.

Approved January 24, 1890.

CHAPTER 55.

AN ACT to amend an act, entitled "An act to establish a system of public graded schools in District number forty-seven, East Point.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That that part of section seven of an act, entitled "An act to establish a system of public graded schools in District number forty-seven, East Point," be, and the same is hereby, amended so as to provide that the teacher employed by the board of trustees to teach said school shall only be required to get a certificate of qualification from the board of examiners of Johnson county, instead of both counties, as now provided in said section.

§ 2. This act shall take effect from its passage.

Approved January 24, 1890.

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CHAPTER 56.

AN ACT to extend the time of the sitting of the county board of tax supervisors in Harrison county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county board of tax supervisors of Harrison county be allowed to sit, in their discretion, not to exceed fourteen days, in the discharge of their duties as such board.

§ 2. This act shall take effect after its passage.

Approved January 24, 1890.

## CHAPTER 57.

AN ACT to incorporate the Planters' State Bank of Henderson.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. The "Planters' State Bank" is hereby incorporated, to be located at the City of Henderson ; and by that name it may sue and be sued, and may make contracts with or without a seal.

General powers § 2. The said bank shall have the right to receive money and currency on deposit upon such terms as may be agreed upon ; to loan money upon such security as may be taken ; to discount, buy, and sell gold and silver, stocks, bonds, bills of exchange, promissory notes, and other evidences of debt ; to purchase, hold, use, sell and convey such real and personal property as may be purchased in satisfaction of any debt due said bank, or as may be needed in or for its business : *Provided*, Said bank shall only hold such real estate, not actually needed for its banking business proper, for a period not exceeding five years, and, in fact, to do a legitimate banking business, and all such things that usually appertain thereto.

§ 3. The capital stock of said bank shall be one hundred and fifty thousand dollars (\$150,000), to be divided into shares of one hundred dollars each ; but said capital stock may be decreased to one hundred thousand dollars, or may be increased to any sum not exceeding five hundred thousand dollars, by a vote of the majority of the stock.

\* Commissioners. § 4. David Banks, jr., James S. Alves, M. Baldauf, H. Kleymeyer, Ed. Oberdorfer, Elijah Sellers, James W. Royster, John O'Byrne, N. A. Kitchell, Montgomery Merritt, Paul J. Marrs and C. W. Wilson, and such others as they may select, are hereby authorized and empowered to open books for and receive

such subscriptions to the capital stock of said bank, and when fifteen hundred shares shall be subscribed the subscribers may meet and elect a board of directors, who shall serve until the second Tuesday in January following, and until their successors are qualified, and on the second Tuesday in every January thereafter the stockholders of said bank, either in person or by written proxy, shall elect directors, who shall continue in office one year, and until their successors are elected and qualified. Special meetings of the stockholders may be called by the directors, or at the request of the holders of one-fourth of the stock.

§ 5. The affairs of said bank shall be controlled by a board of seven directors (but said number may be increased to nine), who shall annually elect one of their number president, and they may also, in their discretion, elect a vice-president. They shall elect a cashier, and may elect or employ a teller, a book-keeper and such other agents and servants as their business may require, and may prescribe their duties, fix their compensation, and may require of them such bonds for the faithful performance of their respective duties as they may determine. No person shall be qualified to act as a director unless he is a *bona fide* resident of the Commonwealth, and the owner of at least five shares of the capital stock of the bank, and takes an oath to faithfully discharge his duties as a director. They shall keep a record of all their meetings, proceedings, and orders, and are authorized to fill any vacancy in the board. The time for an annual election of directors may be changed by the stockholders at any regular meeting.

§ 6. The said bank is authorized to purchase, acquire and hold all the property, assets, franchises and good will of the "Planters' National Bank" of Henderson, Kentucky, upon such terms as may be agreed upon, and to permit the stockholders of said bank to become stockholders of this bank upon such terms as may be agreed upon. The object and pur-

Board of directors.

Hold real and personal property of the Planters' National Bank of Henderson.

pose of this section is to authorize the stockholders of the Planters' National Bank to surrender their charter and to do business under this charter as a State bank ; and the commissioners herein named are authorized to receive their subscriptions of stock with that view, and to effectuate that end.

§ 7. This act shall take effect from its passage, and continue in force for thirty years.

Approved January 24, 1890.

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## CHAPTER 58.

AN ACT to amend the charter of the Cairo and Tennessee River Railroad.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the charter of the Cairo and Tennessee River Railroad Company be, and is hereby, amended by striking out the word "five," in the fourth line of the fourth section of said charter (Acts one thousand eight hundred and seventy-three, volume one), and inserting instead thereof the word "thirty ;" and by striking out the word "fifty," in the fifth line of said section four, and inserting in its stead the words "one hundred."

§ 2. This act shall be in force from its passage.

Approved January 24, 1890.

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## CHAPTER 59.

AN ACT to amend an act, entitled "An act to amend the charter of the Cairo and Tennessee River Railroad Company," approved February twenty-fifth, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section ten of an act to amend an act, entitled "An act to charter the Cairo and Tennessee

River Railroad Company," passed at the session of one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight of this body, approved February twenty-fifth, one thousand eight hundred and eighty-eight, chapter three hundred and seven, volume one, of said session, be, and is hereby, amended by striking out the word "two," in the second line of said section, and inserting in its stead the word "four," and by striking out the word "five," in the third line of said section, and inserting in stead thereof the word "eight."

§ 2. This act shall be in force from and after its passage.

Approved January 24, 1890.

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## CHAPTER 60.

AN ACT for the benefit of F. B. Henry, sheriff of Nicholas county.

WHEREAS, F. B. Henry, sheriff of Nicholas county, Kentucky, for the years one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety, by mistake and oversight failed to obtain and produce to the county court of Nicholas county, at its December term, one thousand eight hundred and eighty-nine, his quietus for the collection of State revenue due from him as sheriff aforesaid for the year one thousand eight hundred and eighty-nine; and whereas, said Henry had, by the first of December, one thousand eight hundred and eighty-nine, actually paid to the Auditor of Public Accounts for Kentucky a sum of money which, supplemented by the delinquent list, by which he was entitled to credit, fully covered and satisfied all demands against him for State revenue due from said county for the year one thousand eight hundred and eighty-nine; and whereas, said Henry now has his quietus for said revenue for said year; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That F. B. Henry, sheriff of Nicholas county, shall, by virtue of his office, be and remain the collector of the State and county revenue for said county of Nicholas, and State of Kentucky, for the next ensuing year of one thousand eight hundred and ninety, notwithstanding said Henry's failure to obtain and produce his quietus for the year one thousand eight hundred and eighty-nine to the Nicholas County Court at its December term, one thousand eight hundred and eighty-nine.

§ 2. This act shall take effect and be in force from its passage.

Approved January 24, 1890.

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## CHAPTER 61.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the Shelbyville and Louisville Turnpike Road Company," approved February twenty-eighth, one thousand eight hundred and eighty-two.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section six (6) of the act, entitled "An act to amend and reduce into one the several acts relating to the Shelbyville and Louisville Turnpike Road Company," which was approved February twenty-eighth, one thousand eight hundred and eighty-two, be amended by adding thereto the following proviso, namely: That nothing in this section or this act shall be construed to give said Shelbyville and Louisville Turnpike Road Company the power to erect gates or charge tolls upon the branch road known as the Westport road, and said company shall not be allowed to collect toll for traveling said branch, except at the gates upon its main or original road, or



at the gate upon the branch known as the Work-House road.

§ 2. That all acts or parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall take effect from its passage.

Approved January 25, 1890.

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## CHAPTER 62.

AN ACT to empower the county court of Grayson county to levy an ad valorem tax for roads and bridges.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Grayson county, a majority of the justices of the peace for said county being present and concurring therein, shall have the power to levy an ad valorem tax, of not exceeding ten cents in any one year, on each one hundred dollars' worth of taxable property in said county, to be used solely for roads and bridges.

§ 2. That the sheriff of said county shall collect said tax, and he and his sureties shall be liable therefor on his county levy bond. He shall pay said tax to the persons entitled to receive it by order of the county court of said county. For his services in collecting said tax he shall receive six per cent. commission.

§ 3. That this act shall take effect from and after its passage.

Approved January 25, 1890.

## CHAPTER 63.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Versailles," approved March sixth, one thousand eight hundred and sixty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That hereafter the license and tax on all retailers of spirituous, vinous and malt liquors within the limits of the town of Versailles shall be fixed by the board of trustees of said town, at a sum not less than one hundred dollars nor more than three hundred dollars per year.

§ 2. That the third section of the aforesaid act be amended by adding the words, "or any officer authorized to administer oaths," after the word "peace," in the fourth line of said section.

§ 3. This act shall take effect from and after its passage.

Approved January 25, 1890.

## CHAPTER 64.

AN ACT for the benefit of Mrs. Daisy E. Harvey, common school teacher in colored school district number six, Fulton county.

WHEREAS, Mrs. Daisy E. Harvey, by reason of sickness in her family, failed to attend the examination in the study of civil government in colored school district number six, in Fulton county; and whereas, by reason of the said failure, the county superintendent refused to pay her for teaching the common school in said district for the months of September and October, in one thousand eight hundred and eighty-nine; and whereas, the said superintendent has drawn the money due her, namely: one hundred and twenty-seven dollars and twenty-eight cents; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county superintendent of Fulton county be. and is hereby, authorized to pay the said Daisy E. Harvey, teacher of said school, in colored district number six, the entire amount apportioned for the school year ending June thirtieth, one thousand eight hundred and ninety, on the completion of said school according to law.

§ 2. This act shall take effect from and after its passage.

Approved January 25, 1890.

## CHAPTER 65.

AN ACT to give Knott county her share in the surplus school bonds of Floyd, Breathitt, Perry and Letcher counties.

WHEREAS, The county of Knott, formed in the year one thousand eight hundred and eighty-four, out of parts of Floyd, Breathitt, Perry and Letcher counties, has not had her equitable share in the surplus school bonds of said counties set off to her; and whereas, five hundred and fifty five school children were taken from Floyd county, two hundred and twenty-eight from Breathitt county, four hundred and eleven from Perry county, and six hundred and sixty-three from Letcher county, making a total of one thousand eight hundred and fifty-seven, the first census of school children for Knott county duly reported to the Superintendent of Public Instruction for the school year ending June thirtieth, one thousand eight hundred and eighty-six; and whereas, the sums hereinafter set apart to constitute the surplus school bond to the credit of Knott county is the pro rata that should, upon the census basis of one thousand eight hundred and eighty-six, and the bonds of the respective coun-

ties in one thousand eight hundred and eighty-four, be dedicated to Knott county ; therefore, .

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the State Board of Education shall so amend the surplus school bond made in one thousand eight hundred and eighty-four as to take six hundred and forty-five dollars and ninety-three cents from Floyd county, three hundred and thirteen dollars and seven cents from Breathitt county, six hundred and seventy-two dollars and fifty-four cents from Perry county, and one thousand one hundred and ninety-five dollars and nine cents from Letcher county, making a total of two thousand eight hundred and twenty-six dollars and sixty-three cents, and constitute a surplus school bond for Knott county.

§ 2. This act shall take effect from and after its passage.

Approved January 25, 1890.

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## CHAPTER 67.

AN ACT for the benefit of John Ryan, jailer of Fleming county.

WHEREAS, At the January term, one thousand eight hundred and eighty-eight, of the Breathitt Circuit Court, John Ryan, jailer of Fleming county, Kentucky, was ordered and directed by the judge of said court to guard and transfer one Alex. Pendulum (whom he had in custody and confined in the Fleming county jail, charged with selling liquor without license) from the jail at Flemingsburg to Jackson, Breathitt county, Kentucky, and have him in said court on the thirty-first day of January, one thousand eight hundred and eighty-eight, to testify as a witness on behalf of the Commonwealth in the case of the Commonwealth against Robert

Frazier and Breck Flinchour, charged with murder; and whereas, said John Ryan did so convey and guard said Pendulum and keep him at Jackson until said cases were disposed of, and he was discharged by the court; and whereas, his claim for said services and the expenses of conveying said Pendulum to and from Jackson and keeping him there until discharged, amounted to the sum of eighty-three dollars and eighty cents, which was allowed by the court, and certified to the Auditor for payment; and whereas, the Auditor refused to pay any part of said claim, because he did not think the law authorized the payment of same; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer of this Commonwealth, in favor of said John Ryan, for the sum of eighty-three dollars and eighty cents, in payment of said claim.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved January 25, 1890.

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## CHAPTER 68.

AN ACT for the benefit of Pat Punch, jailer of Montgomery county.

WHEREAS, At the January term, one thousand eight hundred and eighty-eight, of the Breathitt circuit court, Pat Punch, jailer of Montgomery county, was ordered and directed by the judge of said court to guard and transfer one John Keeton (whom he then had in custody and confined in the Montgomery county jail charged with shooting and wounding with intent to kill) from the jail at Mt. Sterling to Jackson, Breathitt county, Kentucky, and to have him in

said court on the thirty-first day of January, one thousand eight hundred and eighty-eight, to testify as a witness in behalf of the Commonwealth in the case of the Commonwealth against Robt. Frazier and Breck Flinchneur, charged with murder; and whereas, said Pat Punch did so convey to and guard and keep said Keeton at Jackson until said cases were disposed of, and he was discharged by the court; and whereas, his claim for said services, and the expenses of conveying said Keeton to and from Jackson and keeping him there until discharged, amounted to the sum of sixty-one dollars and seventy-five cents, which was allowed by the court and certified to the Auditor for payment; and whereas, the Auditor refused to pay any part of said claim because he did not think the law authorized the payment of same; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to issue his warrant on the Treasurer of this Commonwealth in favor of said Pat Punch for the sum of sixty-one dollars and seventy-five cents in payment of said claim.

§ 2. That this act shall be in force from and after its passage.

Approved January 25, 1890.

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## CHAPTER 69.

AN ACT for the benefit of Gould & Harris, of Henry county.

WHEREAS, Gould & Harris, merchants grocers, doing business in Eminence, Henry county, paid the trustee of the jury fund of said county one hundred dollars, the State tax for license to vend spirituous liquors in said town for the year one thousand eight hundred and eighty-six; and whereas, the trustees of

said town, under the charter of Eminence, granted the license to sell liquor in said town upon the applicant's production of a receipt to them from the trustee of the jury fund, showing he had paid the State the ~~one~~ hundred dollars tax; and whereas, after they had paid ~~the~~ State tax to the trustee of the jury fund, the trustees of the town were prohibited, by special act of the Legislature, from renewing their license; therefore the State got ~~their~~ one hundred dollars without granting to them any privilege or benefit; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer, payable to Gould & Harris, for one hundred dollars, payable out of any money in the Treasury not otherwise appropriated.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved January 25, 1890.

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## CHAPTER 70.

AN ACT for the benefit of James T. Gorley, of the city of Louisville.

WHEREAS, James T. Gorley was convicted of malicious shooting and wounding; and whereas, he was pardoned before entering upon his term in the State prison; and whereas, there is some doubt as to whether or not he is eligible to become a member of the police force of the city of Louisville by reason of certain provisions of an act of the General Assembly, known as the Milburn bill; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the said James T. Gorley be, and he is

hereby, made eligible to become a member of the police force of the city of Louisville.

§ 2. That this act shall take effect from and after its passage.

[Became a law without the approval of the Governor, January 27, 1890.]

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## CHAPTER 71.

AN ACT to amend an act, entitled "An act to incorporate the Windom and Hickman Turnpike Road, in Jessamine county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to incorporate the Windom and Hickman Turnpike Road Company, in Jessamine county," approved February thirteenth, one thousand eight hundred and eighty-eight, be, and the same is hereby, amended as follows: "That said company shall be authorized and empowered to charge and collect for travel over the entire length of its road, namely: four and one-half miles, the full rates of toll now allowed by subsection three of section three of chapter one hundred and ten of the General Statutes, and in the same proportion for a less distance."

§ 2. That this act shall take effect from and after its passage.

Approved January 28, 1890.

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## CHAPTER 72.

AN ACT to amend an act, entitled "An act to amend and reduce into one all the acts in relation to the town of Junction City, in Boyle county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to amend and reduce into one all the acts in relation to the town of



Junction City, Kentucky," which act was approved April twenty-fourth, one thousand eight hundred and eighty-four, be, and the same is hereby, amended as follows: That the term of service of the marshal of said Junction City shall not be limited to two terms of two years each, but said marshal may be eligible for as many terms of two years each as the qualified voters of said town may elect him to.

§ 2. This act shall take effect from and after its passage.

Approved January 28, 1890.

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## CHAPTER 73.

AN ACT relating to branding logs on Big Barren river and its tributaries.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be the duty of any person or persons owning or dealing in logs upon Big Barren and its tributaries, to have and to own an ax or branding iron for the purpose of branding their timber; it shall be the duty of such person or persons to brand all of their timber or logs before starting the same to market.

§ 2. It shall be the duty of such person or persons dealing in logs to have their brands entered upon record in the county clerk's office in the county where they start their logs to market; and in case of a dealer or buyer of logs, to record his brand in the county or counties in which he may purchase logs, the clerk to receive for his services the same fees as are charged for recording other brands or marks.

§ 3. Any person or persons that may cut out or deface any brand upon the timber or logs of another upon the waters of Big Barren river or its tributaries, shall be deemed guilty of a misdemeanor, and, upon

conviction in any court in this Commonwealth, shall be fined for each offense not less than fifty dollars nor more than one hundred dollars.

§ 4. This act shall take effect from and after its passage.

Approved January 28, 1890.

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## CHAPTER 74.

AN ACT to enable the Fayette county board of supervisors to extend its sessions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Fayette county board of supervisors may have such time as it requires, not exceeding twenty days, to complete the work imposed on it by article seven, chapter ninety-two, of the General Statutes.

§ 2. This act shall take effect and be in force from its passage.

Approved January 28, 1890.

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## CHAPTER 75.

AN ACT to authorize and empower the county of Shelby to refund its indebtedness, incurred by reason of its subscription to the capital stock of the Cumberland and Ohio Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county of Shelby, through the agency of its court of claims, is hereby authorized and empowered to refund the indebtedness of said county, incurred by reason of its subscription to the capital stock of the Cumberland and Ohio Railroad Company, and for this purpose the said court of claims is authorized to issue the bonds of said county for

not exceeding one hundred and eighty thousand dollars, in denominations of two hundred and fifty dollars, five hundred dollars and one thousand dollars, or such denominations as said court may see proper.

§ 2. Said bonds shall be signed by the county judge of said county, and attested by the county clerk thereof, under seal of the county; but there shall be no charge for the use of the seal either by the clerk or the Commonwealth, and the coupons shall be signed by the clerk alone. The judge and clerk shall be paid a reasonable compensation for their services, which shall be fixed and allowed by the court of claims and paid out of the county levy. Said bonds and coupons shall be made payable to bearer, and shall be payable and negotiable at such places in the United States as the court of claims may designate.

Signed by judge  
and clerk.

Bonds—how and  
when payable.

§ 3. Said bonds shall bear interest from date of issue at a rate not exceeding six per centum per annum, payable semi-annually, and evidenced by coupons attached thereto for each semi-annual installment of interest. The principal of said bonds shall be due and payable twenty years from date of issue; but the county may pay them off any time after seven years from date of issue, and cancel same and the remaining coupons.

Interest.

Maturity.

§ 4. The said bonds shall be sold and negotiated at not less than par value, and the proceeds therefrom, except as hereinafter provided, applied exclusively to the payment and redemption of the outstanding six per centum bonds issued to pay the subscription of Shelby county to the capital stock of the Cumberland and Ohio Railroad Company, by virtue of an act of the General Assembly of the Commonwealth of Kentucky, approved February twenty-fourth, one thousand eight hundred and sixty-nine, and entitled "An act to incorporate the Cumberland and Ohio Railroad Company," and the amendments thereto.

Bonds must be  
sold at par.

Annual levy.     § 5. The court of claims of said county is authorized and required to annually levy and collect a tax sufficient to pay the interest on said bonds as it matures, and the cost of collecting same, on all the property in said county subject to taxation for State revenue. Said court shall also make provision for paying the principal of said bonds at maturity, and for this purpose it may annually levy and collect taxes upon the property aforesaid, but such levy shall not exceed in any one year one per centum of the taxable property in said county; and said court shall establish a sinking fund, and may loan out same at any rate of interest it can, and may adopt such other means as it may deem advisable and expedient.

Sinking fund.     Commissioners of sinking fund.     § 6. The commissioners of the sinking fund of Shelby county, appointed under and by virtue of an act of the General Assembly of the Commonwealth, approved February twenty-fourth, one thousand eight hundred and seventy-two, and entitled "An act to amend an act, entitled 'An act to incorporate the Cumberland and Ohio Railroad Company,'" approved twenty-fourth February, one thousand eight hundred and sixty-nine, that are in office at the first term of the court of claims of Shelby county when a tax is levied as provided in this act, shall continue as the commissioners of the sinking fund under this act until the expiration of the time for which they were appointed; but the said court of claims shall appoint a commissioner in the place of the one whose term shall then expire, and this commissioner shall serve three years; and annually after this appointment said court shall appoint a commissioner to fill the place of the one whose term shall then expire, and such commissioner shall serve three years. These three persons shall be called "The Commissioners of the Sinking Fund of Shelby County." In case of a vacancy in said board of commissioners by reason of death, resignation or otherwise, such vacancy shall be filled for the unexpired term by a suitable person ap-

pointed by the county court. The said commissioners <sup>Powers.</sup> of the sinking fund of Shelby county shall have the same rights, power and authority, and shall have the same duties to perform, and shall be governed and controlled in all respect as provided in the above recited act of the General Assembly of the Commonwealth of Kentucky, approved February twenty-fourth, one thousand eight hundred and seventy-two, and entitled "An act to amend an act, entitled 'An act to incorporate the Cumberland and Ohio Railroad Company,' " and the amendments thereto.

§ 7. The court of claims may, by order of record, <sup>Sheriff to collect tax.</sup> require the sheriff of the county to collect the aforesaid taxes levied to pay the principal and interest of these bonds, or it may annually appoint a collector, either of whom shall have the same powers and remedies, and shall proceed in the same way as the sheriffs in the collection of the State revenue. The person collecting said taxes shall receive such compensation as the court of claims may vote him. The collector or the sheriff, if required to collect said <sup>Bond.</sup> taxes, shall, before proceeding to do so, execute bond in the county court, with good security, conditioned that he shall well and faithfully discharge his duties and pay over the money collected by him to the treasurer of the sinking fund appointed by the sinking fund commissioners. The sheriff or collector shall pay over monthly the taxes collected by him to said treasurer, and shall make his final settlement with the sinking fund commissioners on or before the second Monday in May of each year; and if said sheriff or collector fails or neglects to monthly pay over the money collected by him, as directed in this act, he shall, with his sureties on his bond, be responsible for same, and six per cent. damages thereon for the non-payment of same; and for the purpose of carrying out and enforcing this provision, the tax books shall at all times be open and subject

to the inspection of the commissioners of the sinking fund.

§ 8. If the sheriff or collector shall fail to make his annual settlement and pay over the taxes levied under the provisions of this act, on or before the second Monday in May of each year following the levy of same, he and his sureties shall be liable on his official bond for same, and same may be recovered by suit in the name of, and by the commissioners of the said sinking fund, in the Shelby Circuit Court.

§ 9. The taxes levied under the provisions of this act shall be due and payable ten days after said levy ; and any person failing to pay his said taxes by December thirty-first of the year following the levy of same, shall pay six per cent. additional on the taxes so due and unpaid. All of which the collector shall collect and account for as he does the tax itself.

Penalty on delinquents.

§ 10. To carry into effect this act, the said court of claims is authorized to employ such agents and brokers as it may deem proper to secure the sale and negotiation of said bonds, and shall pay them from the proceeds of said sale such compensation as it may deem reasonable. The cost of printing or lithographing the bonds shall also be paid out of the proceeds of the sale of same.

Agents to negotiate bonds,

§ 11. This act shall take effect from and after its passage.

Approved January 28, 1890.

## CHAPTER 76.

AN ACT for the benefit of H. C. Champion, of McCracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. Whereas, Mr. H. C. Champion did, on the seventh of December, one thousand eight hundred

and eighty-nine, pay to the United States twelve and fifty one-hundredths dollars, and on twenty-seventh day of November, one thousand eight hundred and eighty-nine, pay to the State of Kentucky one hundred and fifty dollars, and county clerk's fee of two dollars, for the privilege of retailing spirituous, malt and vinous liquors at number two hundred and fifteen Broadway, Paducah, Kentucky; and on third of December, one thousand eight hundred and eighty-nine, he paid to the city of Paducah seventy-five dollars for same privilege; and whereas, the said Champion desires to change his place of business, having used said license only since the third day of December last. It is now made lawful, and the said Champion is hereby granted the right and power to change his place of business from number two hundred and fifteen Broadway to number seven hundred and ten on Trimble street, in Paducah, Kentucky, and to carry on his said business under his said license for six months from the third day of December, one thousand eight hundred and eighty-nine, just as if said last number had been recited in his said license.

§ 2. This act shall take effect and be in force from its passage.

Approved January 28, 1890.

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## CHAPTER 77.

AN ACT declaring the sheriff of Marion county to be ex officio railway tax collector of said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the sheriff of Marion county shall hereafter collect any and all taxes that have been or may be levied by the county court of Marion county for the purpose of paying the interest and creating a

sinking fund to retire the bonds of said county issued in aid of the Cumberland and Ohio Railway, and for such services the said sheriff shall receive three per cent. of the amount so collected.

§ 2. All laws and parts of laws, general or special, in conflict with this act, are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved January 28, 1890.

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## CHAPTER 78.

AN ACT to amend an act, entitled "An act to incorporate the Somerset Banking Company," approved February thirteenth, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section two of an act, entitled "An act to incorporate the Somerset Banking Company," approved February thirteenth, one thousand eight hundred and eighty-eight, be amended as follows: By striking out the word five in the second line in said section and substituting therefor the word seven.

§ 2. This act to take effect from and after its passage.

Approved January 28, 1890.

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## CHAPTER 79.

AN ACT providing for the summoning and pay of jurors in the Pulaski Quarterly Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sheriff of Pulaski county, five days before the beginning of each term of the Pulaski



Quarterly Court, shall summon twelve men, who are qualified as jurors are now by law required to be, for service as jurors in said court, and that they be, for such service, allowed one dollar and fifty cents per day each, and that same be paid by the sheriff out of the county levy of Pulaski county for the current year, to whom the clerk of said quarterly court shall furnish a certified list of said jurors, showing the number of days served by each.

§ 2. That the act approved February eleventh, one thousand eight hundred and eighty, entitled "An act to regulate the number and pay of jurors in justices', police, city and quarterly courts" is hereby repealed, so far as the same applies to the quarterly court of Pulaski county.

§ 3. That trial juries in the quarterly court of Pulaski county shall consist of six men qualified as now required by law.

§ 4. That in each case tried by a jury in the Pulaski Quarterly Court, the successful party shall pay to the sheriff of Pulaski county a jury fee of three dollars. The enforcement thereof shall be in the same manner as provided for in chapter sixty-two, article five, of the General Statutes, and that same shall be taxed as part of the costs of the successful against the unsuccessful party, and paid by the sheriff into the county levy of Pulaski county.

§ 5. The sheriff shall be allowed the sum of ten dollars each court by the court of claims for summoning the jury herein required to be summoned, and for waiting on said quarterly court.

§ 6. This act shall take effect from and after its passage.

Approved January 28, 1890.

## CHAPTER 80.

AN ACT amending the charter of the Farmers and Drovers' Bank of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

That an act, entitled "An act to incorporate the Farmers and Drovers' Bank," approved February eighteenth, one thousand eight hundred and sixty-nine, as amended by several amendments to said act passed by the General Assembly of the Commonwealth of Kentucky, be, and the same is hereby, amended as follows :

§ 1. That the charter of said bank, as granted by said act of incorporation, approved February eighteenth, one thousand eight hundred and sixty-nine, and the several acts since passed amendatory thereof, shall be, and the same is hereby, extended and continued in force for fifty years from and after the eighth day of March, one thousand eight hundred and ninety.

§ 2. The name of the said bank is hereby changed to that of the Farmers and Drovers' Bank of Louisville, and in such name it shall hold its assets and transact its business, and shall sue and be sued, and answer and defend suits, either upon claims now existing or which may hereafter arise ; but any suits now pending may be conducted to final judgment and execution in the old name, in all respects as if this act had not been passed.

§ 3. That the words "five thousand shares," in the fifth line of the third section of the act approved February eighteenth, one thousand eight hundred and sixty-nine, be stricken out, and that there be inserted in the place thereof the words "ten thousand shares," and that said third section of said act be further amended by adding thereto, at the end thereof, the following clause: "And should the capital stock at any time be increased by the board of

directors, the stockholders, at the time of said increase, shall be entitled to a pro rata share of such increase upon the payment of the price fixed by the board of directors."

§ 4. This act shall take effect and be in force from its passage.

Approved January 28, 1890.

## CHAPTER 81.

• AN ACT to incorporate the Kentucky Savings Bank at Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That A. L. Schmidt, John M. Robinson, Wm. Tillman, H. H. Littell, M. J. Streng, W. H. McKnight, D. Franz, Jr., and J. T. Gathright, together with their associates, successors and assignees, be, and they are hereby, incorporated under the name of the Kentucky Savings Bank; and by that name shall have perpetual succession, sue and be sued, plead and be impleaded, in any court in this Commonwealth; contract and be contracted with; and may adopt a common seal, and alter and renew same at pleasure. The corporation, by its board of directors, may adopt by-laws for the government of the business and affairs of the corporation, regulate the duties and compensation of its officers, agents and employes, and prescribe rules and regulations for the receipts and payments of savings deposits not inconsistent with this charter or the Constitution and laws of the Commonwealth of Kentucky or of the Constitution of the United States.

§ 2. The corporation shall have its place of business in the city of Louisville. Place of business.

§ 3. Within one year from the approval of this act the above named incorporators, or a majority of them, may open books for subscriptions to the capital stock To commence business.

of the corporation, and when fifty thousand dollars of the stock have been subscribed, the subscribers may meet and organize the corporation by the election of a board of directors consisting of not less than five nor more than nine stockholders, who shall hold their office for one year, and until their successors are duly elected and qualified. Annually thereafter a meeting of stockholders for the election of the directors shall be held at such time and place as may be provided in the by-laws. Vacancies in the board may be filled by the board until the next regular meeting of the stockholders.

Officers—bonds. § 4. The board of directors shall elect from their number a president and vice-president, and may appoint such other officers, agents and employes as may be necessary to the proper conduct of the business of the corporation, and may require such bond of any officer, agent or employe for the faithful performance of his duties as the board shall deem proper.

Shares of stock. § 5. The capital stock of the corporation shall be one hundred thousand dollars, divided into shares of twenty-five dollars each, and the corporation may organize when fifty thousand dollars of the capital stock is subscribed, and may commence business when twenty-five thousand dollars have been paid in cash and verified by the oath of the president. The stockholders may increase the capital stock at any time by a two-thirds vote to any amount not exceeding one million dollars: *Provided*, All stock subscriptions shall be payable in cash at such times as the board of directors may determine.

§ 6. At all meetings of the stockholders each share of the stock shall be entitled to one vote, which may be cast in person or by written proxy.

Lien on stock. § 7. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish; but said corporation shall have a lien on the stock to

secure any indebtedness or liability of the stockholder.

§ 8. The corporation shall have power to exercise, Discount and deposit. by its board of directors, or duly authorized officers and agents, subject to law, all such powers as shall be necessary or incident to the business of banking, by receiving deposits of gold, silver, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, at such times and with such interest as may be agreed upon with depositors, not exceeding six per cent. per annum; may loan money on real estate and take mortgages to secure same; may discount and negotiate promissory notes, drafts, bills of exchange and other evidences of debt; may buy and sell bullion, loan money on personal security and on collaterals, and dispose of the latter as may be agreed upon in all respects as natural persons may do under the common law; but it shall not issue notes of circulation. It shall have power to receive on deposit, at interest, such sums of money as may be offered to it, and to pay such interest on deposits as may be agreed upon or provided for by the by-laws. Such deposits may be received Minors and married women. from married women and minors, and, together with the interest thereon, be payable to them, or upon their order or receipt, as may be regulated by the by-laws of the bank; and it shall not be lawful for the husband of such married woman, or his creditors, or the parent or guardian of such minor, to attach or in any way interfere with any deposit or interest thereon of such married woman or minor; but whenever it shall become apparent to the president of the corporation that it would be unwise or injurious to the interest of a minor to pay his order, or upon his application any money standing to his credit, the president may demand a written order to pay such payment from the parent or guardian of such minor; or if there be neither parent or guardian, may require an order

from the judge of the Jefferson County Court before making the payment.

§ 9. The promissory notes made payable at its banking-house or any other place, and inland bills of exchange which may be discounted or purchased by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the makers, drawers, indorsers or other parties thereto.

May acquire  
property.

§ 10. The corporation may purchase, occupy, hold, and sell and convey all such real estate, goods and chattels, as may be convenient or necessary for the transaction of its business, such as shall be mortgaged to it in good faith by way of securing debt; such as shall be conveyed to it in satisfaction of debts contracted in the course of its dealings; such as it shall purchase at sales under judgment, decrees or mortgages held by the bank, or shall purchase to secure debts due to it: *Provided*, All such real estate so acquired shall be disposed of within five years from date of purchase.

Rules to be  
printed in pass  
book.

§ 11. The rules and by laws regulating and respecting savings deposits or interest thereon shall be printed in each pass-book of depositors and posted in a conspicuous place in the banking office.

Dividend.

§ 12. The board of directors may semi-annually declare a dividend of so much of the net profits of the corporation as they shall judge expedient, but before declaring a dividend shall carry at least one-tenth part of the net profits of the preceding half year to the surplus fund, until the same shall amount to twenty per centum of the capital stock paid in.

Taxation.

§ 13. The corporation shall be subject to taxation as other banking corporations now are, and may avail itself of the provisions of the fourth section of article two of an act, entitled "An act to amend the revenue laws of the Commonwealth of Kentucky," approved May seventeenth, one thousand eight hundred and eighty-six, and shall have the benefit of an act,

entitled "An act for the benefit of the incorporated banks of Kentucky," approved March sixteenth, one thousand eight hundred and seventy-one.

§ 14. May have a common seal, and alter or change the same at pleasure.

§ 15. This act to take effect upon its passage.

Approved January 28 1890.

## CHAPTER 82.

AN ACT to incorporate the People's Bank of Owensboro.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That there is hereby established a bank of Name and powers. discount and deposit in the city of Owensboro, and the subscribers, their associates, successors and assigns shall be a body-politic and corporate, by the name and style of the People's Bank; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, and of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

§ 2. That said bank may be under the control and Directors. direction of two or more directors, to be elected by the stockholders, and shall serve one year, or until their successors shall be elected and qualified. The directors may select annually a president from their number. The stockholders may meet and elect the said two or more directors; when five hundred shares shall be subscribed, and fifty per cent. thereof paid, I. A. Lyddane, M. F. Millett and C. W. Wilhoyte, or any two of them, may, at such time, place and in such manner as suits their convenience, open books for the subscription for the capital stock, which shall be twenty-five thousand dollars, and shall be in shares of fifty dollars each; and said corporation

may commence business as soon as the said fifty per cent. of five hundred shares have been paid up in cash, and the president or cashier shall have made oath to the fact of such payment before some judge, justice or notary.

§ 3. That the directors shall have power to receive  
Directors — powers. subscriptions for so many shares of the stock of said company remaining unsold as they may at any time choose to sell; to declare dividends of the profits arising out of the business, and to appoint such officers, agents and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them such bonds to secure the faithful performance of their duty as they may think reasonable and proper. In case of death or resignation of any director, the vacancy can be filled by the board of directors. The stock shall be deemed personal property, and shall be assignable only on the books of the bank, under such rules as the board of directors shall from time to time establish; but said corporation shall have a lien on the stock to secure any unpaid balance thereon. For the contracts of the corporation, each stockholder shall be individually responsible to the amount of stock held by him in said corporation. The capital stock of said bank may be increased from time to time to one hundred thousand dollars, as the president and board of directors may deem advisable and proper.

§ 4. That said bank may transact business as a natural person; may loan money, discount promissory notes or bills of exchange; may buy and sell gold and silver coin, exchange, stocks or other securities, and may do a general banking business, except that it shall not have power to make or issue notes of its  
Securities. own. The promissory notes and the bills of exchange made negotiable and payable at its banking-house, or at any other banking house, when discounted by this bank, shall be, and they are hereby, put upon the



same footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the makers, drawers and indorsers. The said bank shall have the power to make advances on approved securities, upon agricultural products, including growing crops, and upon all manufactories and fixtures as personal property. It may receive in pledge or as security for money loaned or debts owing it, bonds, stocks, produce and merchandise, United States vouchers, certificates or bonds of indebtedness, or the bonds of this or any other State, city or county, or company incorporated by the United States or any State, and sell the same on the non-payment of the debt or demand by ordinary course of judicial proceedings.

§ 5. That said bank may receive deposits of gold, <sup>Deposits.</sup> silver, bank notes, or other notes which may be circulating as money, and repay the same in such manner, at such times, and with such interest, not exceeding lawful interest in Kentucky, as may be agreed upon with the depositors by special or general contract. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid.

§ 6. That said bank may acquire, hold, possess, <sup>May acquire real</sup> use, occupy and enjoy all such real estate, goods <sup>estate, etc</sup> and chattels, as may be convenient for the transaction of its business, or to further the objects of its creation, or which may be conveyed to it as surety for any debt, or purchased to aid in the satisfaction of any debt, judgment or decree: *Provided*, Said bank shall not hold such real estate longer than five years, and sell and convey the same; and this bank may make such by-laws for its government as may be deemed necessary by its board of directors: *Provided*, The same be not contrary to the Constitution and laws of this State or of the United States.

§ 7. That it shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 8. This act shall take effect from and after its passage.

Approved January 28, 1890.

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## CHAPTER 84.

AN ACT to amend the charter of the town of Olive Hill, in Carter county, changing boundary lines.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the boundaries of the corporate limits of the town of Olive Hill be, and are hereby, changed, and hereafter shall read as follows: Beginning at the north bank of Tygart's creek at the mouth of the Henderson branch; thence northward with said branch one-fourth of a mile; thence northeast so as to include the residence of C. V. Zimmerman; thence eastward to a large black oak near Olive Hill school-house; thence a straight line to and including the gate at old State road, north of mill branch; thence a straight line to a large elm on the north bank of Tygart's creek; thence with said creek to the beginning.

§ 2. This act to take effect from and after its passage.

Approved January 28, 1890.

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## CHAPTER 85.

AN ACT to incorporate the Bank of New Castle, in Henry county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby established a bank in the town of New Castle, in Henry county, Kentucky, with a

capital stock of sixty thousand dollars, in shares of one hundred dollars each, par value, which may by consent of the owners of a majority of the shares of stock aforesaid be increased to one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of "Bank of New Castle," and may so continue for thirty years from its organization. But the "board of directors" of said bank are authorized and empowered to wind up its affairs whenever the owners of two-thirds of the stock determine that the interest of the company requires its discontinuance; and to effect this, the board shall have all powers necessary to wind up and liquidate the affairs of said bank upon equitable principles.

§ 2. Said corporation shall have all the privileges of a natural person in contracting and being contracted with, in suing and being sued by the name aforesaid, in all places and courts whatsoever; and may have and use a common seal, and change the same at pleasure.

§ 3. The said bank shall be under the control of the following named persons as directors, namely: L. M. Sanford, J. S. Smith, W. E. Clubb, R. L. Ricketts, J. S. Chilton and William Carroll, who shall hold their offices until the second Tuesday in January, one thousand eight hundred and ninety-one, and until their successors are elected and qualified. Each director hereafter elected shall be a stockholder; and a majority of the directors shall be at all times residents of Henry county. And after the first election, which shall be held on second Tuesday in January, one thousand eight hundred and ninety-one, they shall be chosen on second Tuesday in January of each year, or if not on that day from any cause, then as soon thereafter as convenient, and shall hold their offices for one year,

or until their successors are elected and qualified.

**President.** They shall appoint one of their number president, and may, if they desire or think best and necessary, at any time appoint also from their number a vice-president, who shall hold his position at the pleasure of the board of directors. The board shall hold regular meetings at such times as they may fix upon, and such called meetings as they may deem necessary. In case of the death, resignation or removal of any director or officer, the vacancy shall be filled by the board of directors. The board shall have power to receive subscriptions for so many of the shares of the capital stock remaining unsold, or increased as aforesaid and unsold, as said board may at any time decide to sell; shall declare dividends, appoint such officers, agents or servants as they think necessary to conduct the business of the bank, and pay them such wages or salaries for their services, and take from them such bonds to secure the faithful performance of their duties as they may think proper; shall prescribe such rules as they may think best for the transfer of the stock on the books of the bank by the stockholders or by an attorney. The stock shall be personal property. The number of directors to be elected in January, one thousand eight hundred and ninety-one, and each year thereafter, shall not be less than five nor more than nine, the number to be hereafter determined by a vote of the stockholders.

**Meetings of.**

**Compensation of officers.**

§ 4. L. M. Sanford, J. S. Smith, W. E. Clubb, R. L. Ricketts, J. S. Chilton and Wm. Carroll are hereby appointed commissiomers, any three of whom may act, and may open books of subscription to the capital stock of the corporation, and shall in said books enter the names of the subscribers and the amount of stock subscribed for by each of them. The payment for the shares subscribed shall be made in such installments or at such times as the board of directors

**Commissioners.**

may order ; and when ten thousand dollars shall have been paid in, the bank may begin business.

§ 5. The bank may receive deposits of gold, silver, <sup>Receive de-</sup> bullion, currency, or any thing lawfully circulating as <sup>posits.</sup> money, and repay the same in such manner, at such times, and with such interest, not to exceed the rate fixed by law, as may be agreed upon by the depositors by special or general contract. It may borrow or lend money, buy or sell checks, drafts, bills of exchange, promissory notes, uncurrent money, bonds, stocks, mortgages and other evidences of debt, and do a general banking business ; may take personal or other securities for the payment of obligations, and dispose of the latter in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March sixteenth, one thousand eight hundred and seventy-one, and such disposition shall pass a valid title to the same ; may receive deposits from minors and married women, and their checks, receipts or acquittances shall be valid. All promissory notes and bills made negotiable and payable at the banking-house of said corporation, or at any other banking-house, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon such bills may be had thereon, jointly or severally, against the drawers, acceptors and indorsers thereof.

§ 6. The bank may acquire, hold and use all such <sup>Real estate.</sup> real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security or in satisfaction of any debt, judgment or decree, but shall sell and convey all such real estate, goods or chattels, which may be conveyed to it as security or in satisfaction of any debt, judgment or decree, within five years after obtaining the same. The board of directors may make all needful by-laws for the government of said bank not inconsistent with law.

§ 7. The private property of the stockholders shall not be liable for the debts of the corporation. The indebtedness of the bank, other than for general deposits, shall at no time exceed the amount of its paid-up capital, surplus, and undivided net earnings.

§ 8. Before entering upon their duties the president, directors and other officers of the bank shall take an oath before some justice of the peace, notary public or police judge, to faithfully and honestly discharge all the duties imposed upon them under this charter, and that they will not sanction or permit any violation of it, and should any occur, will at once report the same to the Attorney-General of this Commonwealth.

§ 9. Nothing in this charter shall be construed to allow the bank to issue any note or bill to pass or circulate as money.

§ 10. The officers, agents and servants of said bank, appointed by the board of directors thereof, shall hold their offices at the pleasure of said board, and may be removed therefrom by said board at any time with or without cause.

§ 11. All elections provided for by this charter shall be held at the banking-house of said corporation, in such manner and by such officers as may be determined upon by the board of directors, and the result of such elections shall be declared in the manner and by the persons selected by said board.

§ 12. The General Assembly shall have the right to examine the affairs of the bank by any committee, officer or agent appointed for that purpose, and reserves the right to alter, amend or repeal this charter at pleasure.

§ 13. This act shall take effect and be in force from and after its passage.

Approved January 28, 1890.

## CHAPTER 86.

AN ACT to authorize the sale of the Paris and Ruddle's Mills Turnpike Road, number two, in Bourbon county.

WHEREAS, By an act approved January nineteenth, one thousand eight hundred and eighty-four, the president and directors of the Paris and Ruddle's Mills Turnpike Road, number two, Bourbon county, were authorized to borrow, not exceeding three thousand dollars, for the use of said road, the amount borrowed to be a lien on said road to secure payment thereof; and whereas, it is represented that said road is now indebted therefor in a sum greater than the tolls gathered thereon will pay, after keeping the said road in repair; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Bourbon Circuit Court, or Bourbon Common Pleas Court, shall have power to adjudge a sale of said road upon a petition, filed by at least a majority of said directors as plaintiffs, alleging that its tolls will not pay off the debts of said road company, after keeping the same in repair, and setting out as far as may be known the amount of money owing by said road, and the persons to whom the same is owing.

§ 2. All of the directors and the creditors of said road, as far as the latter are known, shall be parties to said action, either as plaintiffs or defendants; and said defendants shall be summoned as provided in the Civil Code of Practice. Before the judgment shall be entered, proof shall be made to the court, either by depositions or otherwise, establishing the truth of the allegations of the petition.

§ 3. That the purchaser of said road shall be entitled to all the rights, privileges and franchises given to it by its charter and amendments thereto, and be

subject to all the liabilities, restrictions and limitations imposed by said charter or the laws of the State; and said purchaser shall hold said road free from all indebtedness and liability heretofore existing against said company, or which may exist against it at the time of its purchase.

§ 4. That the proceeds of said sale shall be applied, first, to paying all costs and expenses of said action and sale; secondly, to payment of said lien indebtedness of said road, and if there remains any surplus after paying same, then to paying the unsecured or general creditors of said road their claims in full, or pro rata in case of insufficient funds for a full payment; and any balance that may remain on hand after payment of creditors shall be divided and distributed pro rata among the stockholders, according to their respective amounts of stock.

§ 5. This act shall take effect from and after its passage.

Approved January 28, 1890.

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## CHAPTER 87.

AN ACT to incorporate the Lexington Charity Organization Society.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Mrs. Mary Scott, S. A. Charles, Ella E. Forman, Eliza Woodward, Hattie E. Simonds, Miss Emma Shaw, J. R. Howard, J. H. Beauchamp, P. P. Johnston, Letcher Lusby, Mat. Walton, C. W. Foushee, W. D. Bryant and George C. Snyder, and their associates and successors, are created a body-politic and corporate, by the name and style of "The Lexington Charity Organization Society;" and by that name sue and be sued, contract and be contracted with; may have a common seal, and alter



same at pleasure, and may have perpetual succession.

§ 2. The objects of this organization shall be to diminish pauperism, begging and imposition; to encourage thrift, self-dependence and industry; to obtain employment if possible, if not, suitable assistance for all deserving applicants, and a home for the needy and destitute.

*Second.* To investigate thoroughly and without charge the cases of all applicants for relief which are referred to the society for inquiry, and to provide visitors, who shall personally attend cases needing counsel and advice.

*Third.* To obtain from the proper charities and charitable individuals suitable and adequate relief for all deserving cases.

*Fourth.* To promote the general welfare of the poor by social and sanitary reform, by the inculcation of habits of providence and morality, and to improve their physical, moral and intellectual condition.

§ 3. The management of this organization shall be vested in a board of directors, whose number shall be fixed by the by-laws.

§ 4. This society shall have the power to receive in apprenticeship from the Fayette County Court such poor orphans and other children whose relatives or parents the court shall judge will not bring them up in moral courses, and the said society shall likewise have the power to contract with parents or guardians for the care and custody of their children or wards during their minority.

§ 5. The society shall have power to make rules for its own government, and the method and details of carrying on its operations; it may provide for the election of officers from time to time, and the appointment of committees, and fix their duties.

§ 6. Said corporation may receive, take and hold by gift, bequest and otherwise, money and personal property from time to time; and may take and hold

by purchase, devise and gift, real estate in said city for the purposes of this incorporation not exceeding in value fifty thousand dollars.

§ 7. This act shall take effect from and after its passage.

Approved January 28, 1890.

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## CHAPTER 88.

AN ACT to incorporate the Bank of Middlesborough.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Capital stock. § 1. That there is hereby established a bank of discount and deposit in the town of Middlesborough, with a capital stock of one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as the board of directors of said bank may prescribe; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the Bank of Middlesborough, and shall continue twenty-five years

General powers. from and after the passage of this act; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places whatever. They may have a common seal, and alter and change the same at pleasure. They shall have power to receive gold and silver and bank notes, and other circulation or currency or deposits, and pay out and loan same; to buy and sell drafts, notes, bills of exchange, bonds and stocks; and all notes made payable at said bank, and all notes or bills discounted or purchased by said bank, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had

thereon, jointly and severally, against the drawers and indorsers, and with like effect; and they may allow interest on deposits, and allow depositors to share in the profits of said bank in such manner and on such terms as may be prescribed by the by-laws of said bank.

§ 2. The said corporation may acquire, hold and possess, use, occupy and enjoy, all such real estate, goods and chattels, as shall be necessary for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same: *Provided*, They shall not hold any real estate purchased in satisfaction of any debt, judgment or decree, for a longer period than five years; and they may make such by-laws for their government as they may deem necessary: *Provided*, The same are not contrary to the Constitution and laws of this State or of the United States.

§ 3. Said bank may appoint such officers as may be necessary for the conducting of its business, who shall be under the direction and control of not less than five nor more than seven directors, each of whom shall be stockholders; and, after the first election, shall have been stockholders for of at least three months previous to their election, and they shall be residents of this State; and, after the first election, shall be elected annually, on the first Monday in May in each year. They shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and may have other meetings when deemed necessary; and in case of death or resignation of a director, the vacancy shall be filled by the board of directors. The directors shall have power to declare dividends of the profits arising out of said business, and to fix, allow and pay the officers, agents, servants such sums, wages and salaries as they may think proper and reasonable.

§ 4. The stock shall be deemed personal property,

Transfer of  
stock.

and shall be transferable and assignable according to the by-laws or rules of said bank at the time ; and the said corporation shall have a lien on the stock to secure any indebtedness by the stockholders.

Commissioners.

§ 5. T. L. Bird, D. M. Mason, Wm. M. Jones, R. H. Higgins, Jr., Clifton Rode Barret, J. E. Grabmeyer, J. T. Fisher, O. W. Davis, Jr., are hereby appointed commissioners, any three of whom may act, to open books and receive subscription for the capital stock ; and when five hundred shares have been subscribed, it shall be their duty to give notice in a newspaper published in the town of Middlesborough, and appoint a day for the election of a board of directors, who shall hold their office for one year, and until their successors are elected and qualified. The manner of payment of stock shall be provided for as the board of directors may deem best. But said corporation shall not begin business until the sum of ten thousand dollars shall have been paid up, and the president and directors shall have made oath before a competent officer that they will truly and honestly, to the best of their judgment and ability, conduct the affairs of said bank. The board of directors shall have power, by their by-laws, to provide for the enforcement of payment or forfeiture of stock subscribed and not paid for, or for any part thereof.

Payment of  
stock.

§ 6. Said bank shall, through its board of directors, have the power to require bonds from all or any of its officers and employes.

§ 7. The Legislature reserves the right to alter, amend or repeal this act at pleasure, as well as at all times to examine into the affairs of said corporation by any committee they may appoint.

§ 8. The private property of the stockholders shall not be liable for any of the debts of said corporation.

§ 9. This act shall take effect from and after its passage.

Approved January 30, 1890.

## CHAPTER 89.

AN ACT authorizing the Powell County Court to issue bonds in twenty thousand dollars to build a new court-house and jail.

WHEREAS, It appeared to the satisfaction of the Powell County Court at its October, one thousand eight hundred and eighty-nine, session, all the justices of the peace of said county being present, that the present court-house in said county is too small and insufficient to accommodate the citizens and courts of said county, and that the public square is too small and insufficient, and that there is, practically speaking, no jail in said county; and said county court at said session requested the General Assembly of the Commonwealth of Kentucky to pass an act authorizing them to sell the present court-house and public square, and to purchase or secure another lot of sufficient size for a public square in the town of Stanton, the county seat of said county, and to issue bonds for the purpose of securing said lot and erecting the necessary public buildings, and paying the indebtedness of the county incurred for such purpose:

Build court-house and jail.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That for the purpose of enabling the Powell County Court to secure the necessary moneys, and to secure a public square and to build a new court-house and new jail at Stanton (the county seat of said Powell county), the county court of said county, a majority of the justices of the peace of said county being present and concurring therein, may cause the bonds of said county to be issued, not exceeding in the aggregate the sum of twenty thousand dollars; said bonds to be of the denomination of not less than one hundred nor more than one thousand dollars, as said court may direct, and to be prepared and

Issue bonds.

executed under the seal of the county court, signed by the presiding judge of said court and attested by the clerk thereof, payable to the holder thereof at such place and in such time as said court may direct, in not more, however, than ten years from and after the date of said bonds; and said bonds shall not bear a greater rate of interest than six per centum per annum, payable annually from the date of purchase of said bonds until they are paid; but said bonds, or any of them, may be redeemed at the option of said county court at any time within said ten years, by the payment or tender to the holders thereof of the amount of said bonds and the interest accrued up to the time of said payment or tender of payment. Said bonds shall have interest coupons attached, which shall be signed by the county court clerk of said county, and payable yearly at the place mentioned in said bonds. It shall be the duty of said county court clerk to make and safely keep in his office a list of all the aforesaid bonds, showing the number, date, amount, time issued and delivered, to whom delivered, and when due. The transfer of said bonds shall be by indorsement only, and no such transfer shall be effectual to pass the title or right of property in or to said bonds, or any of them, until said indorsement and transfer shall have first been exhibited to said county court clerk, and a minute of said transfer and the name of the transferee shall have been made by said county court clerk upon the bond list aforesaid.

Sell bonds.

§ 2. Said county court shall have full power and authority to sell and dispose of, and deliver to the purchasers, the bonds herein provided for, and may, in its discretion, advertise the sale of the same in any paper published in said county, or in one paper published in each of the adjoining counties, or both; and said court shall sell and deliver said bonds to the highest and best bidder for the same: *Provided, however,* That none of said bonds shall be sold for less

than par or face value of same. The expense of said advertising, if any, and sale shall be paid out of the annual county levy next following after said bonds are sold. Said sale may be made either by said county court, or, in its discretion, by the commissioners appointed by said court as hereinafter provided.

§ 3. Said county court shall nominate and appoint Commissioners to be appointed. commissioners, not exceeding three in number, and citizens of said county, who are hereby authorized and empowered to receive all moneys arising from the sale of said bonds to secure said public square, and take the title-deed to the same in the name of said county; to prepare or have prepared plans and specifications for said court-house and jail; to receive bids for the erection of the same; to contract for the building of said public buildings, and to pay out and disburse the moneys received by them from the sale of the said bonds, and to do all other acts necessary and proper to be done in the premises; but before said commissioners, or any of them, shall enter upon the duties of their office, as prescribed in this act, they shall each take an oath before the county court to the effect that they will faithfully discharge their duties as such commissioners, and shall also execute a bond, with security, approved by said court, conditioned that they will faithfully discharge their duties, and will pay over all moneys to the persons entitled to receive the same, and account for all surplus moneys in their hands, if any, to the said county court. They shall annually, at the January term of said court, make a settlement with said court, which settlement shall show the number of bonds sold and to whom sold, the receipts and proceeds arising from the sale of said bonds, the disbursements by them, with the vouchers accompanying same, and the number of bonds yet unsold. If, in the judgment of said court, the security on said commissioner's bond or bonds becomes insufficient at any time, said court shall

require additional security on said bonds, and if the same be not given within a reasonable time, said court shall remove the commissioners so in default, and shall appoint other commissioners, who shall qualify as above provided. Said commissioners shall be allowed their necessary expenses and a reasonable compensation for their services; said allowance to be made from time to time by said court out of the proceeds arising from the sale of said bonds.

§ 4. The said county court is hereby authorized and Sale of property. empowered to sell all of the present public square and real property, both inclosed and uninclosed, with the buildings thereon, either as a whole or in parcels, as shall seem to them most advantageous; but before such sale shall be made, they shall give at least sixty day's notice of the same, by posting notices in six public places in said county, and by advertising said sale in at least one newspaper published in said county or in the immediate vicinity for at least two weeks previous to said sale. Said sale shall be by public auction, and shall be held on the first day of some regular monthly session of said court, by a commissioner appointed by said court for that purpose, in such manner and on such terms as said court may direct, who shall make a report in writing of his action in the matter at the term of said court succeeding said sale. Said report shall be filed in said court, and shall lie over to the succeeding term of said court for exceptions. If no exceptions are filed, and said sale is confirmed by said court, a deed for said property shall be made by said commissioner to the purchaser or purchasers thereof, conveying the entire interest of the county therein; and said deed shall be delivered to said purchasers upon payment of the purchase money. Said purchase money, after deducting the expenses of advertising and sale, and the fee allowed by said court to said commissioner, shall be paid to the commissioners aforesaid, and



shall be applied by them as far as may be in defraying the cost and expense of building said new public buildings. The deferred payments on said sale, if any, shall likewise be so applied; and all moneys arising from said sale shall be accounted for by said commissioners in their annual settlement with said county court.

§ 5. Said county court shall, at its regular annual October session, ascertain the aggregate amount of interest due upon the bonds which have been sold, and make provision for paying the same in their regular annual levy; and they may provide for and make levies for the payment of the principal of said bonds, or any part of them, either before, at, or after maturity, at such times or in such manner as they may think proper. All levies above mentioned shall be collected by the sheriff of the county at the same time he collects the State revenue, and shall be paid over by him to the holders of said bonds as the court may direct. Said sheriff shall be liable upon his official bond for the collection and disbursement of said moneys. Said bonds, when redeemed and paid for, shall be immediately canceled by said court. The said sheriff shall receive the same compensation for the collection of said moneys that he receives for the collection of the State revenue.

§ 6. This act shall take effect and be in force from and after its passage.

Approved January 29, 1890.

## CHAPTER 90.

AN ACT to authorize the county court of claims to levy and collect an ad valorem tax in Henry county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Henry County Court of Claims be, and they are hereby, authorized to levy and collect

an ad valorem tax of not exceeding fifteen cents on the one hundred dollars' worth of taxable property, listed for taxation in Henry county for the year one thousand eight hundred and ninety; and if a majority of the court deem it necessary, by a yea and nay vote, to be recorded in the order book of said court, they may do so (that is to say, levy and collect an ad valorem tax on each one hundred dollars of taxable property listed for taxation) for the year one thousand eight hundred and ninety-one. These taxes shall be for the purposes of defraying the county indebtedness for support of paupers, pay for bridges, road claims, and such other county indebtedness as is now or may be unprovided for, that is to say, county expenses: *Provided, however,* The court shall not levy and collect any greater sum in either year than shall be found to be actually necessary to meet the requirements.

§ 2. That the sheriff shall collect this tax at the same time and in the same manner and be responsible, he and his deputies, on their official bonds for same as they are for collection of the State revenue and other county levy.

§ 3. That this act shall take effect from its passage.

Approved January 29, 1890.

## CHAPTER 91.

AN ACT to incorporate the Columbus Bank.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Names and in-  
corporation. § 1. There is hereby established a bank in the city of Columbus, Hickman county, Kentucky, with a capital stock of fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their

associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the Bank of Columbus, and may so continue for fifty years from its organization; but the board of directors of said bank are authorized and empowered to wind up its affairs whenever the owners of two-thirds of the stock determine that the interests of the company requires its discontinuance; and to effect this, the board shall have all powers necessary to wind up and liquidate the affairs of said bank upon equitable principles.

§ 2. Said corporation shall have all the privileges Powers. of a natural person in contracting and being contracted with, in suing and being sued, in all places and courts whatever; and may have and use a common seal, and change the same at pleasure.

§ 3. The said bank shall be under the control of not less than five nor more than nine directors, each of whom shall be a stockholder, and a majority of whom at all times shall be residents of Hickman county; and, after the first election, they shall be chosen on the second Tuesday in January of each year; or, if not on that day, from any cause, then as soon thereafter as convenient, and shall hold their offices until their successors are elected and qualified. They shall appoint one of their number president, and may, if they think best and necessary at any time, appoint, also from their number, a vice-president, who shall hold their positions at the pleasure of the board of directors. The board shall hold regular meetings at such time as they may fix upon, and such called meetings as they may deem necessary. In case of death, resignation or removal of any director or officer, the vacancy shall be filled by the board of directors. The board shall have power to receive subscriptions for so many of the shares of the capital stock remaining unsold as they may at any time decide to sell; shall declare dividends, appoint such officers or agents or servants as they may think necessary to conduct the Directors—when and how chosen.

business of the bank, and pay them such wages or salary for their services, and take from them such bonds to secure the faithful performance of their duties as they may think proper; shall prescribe such rules as they may think best for the transfer of the stock on the books of the bank by the stockholders, or by an attorney. The stock shall be personal property.

§ 4. W. W. Craig, W. F. Cowles, M. H. Wright, I. Commissioners. R. Cook and W. A. Gest are hereby appointed commissioners, any three of whom may act, and may open books of subscription to the capital stock of the corporation, and when shares to the amount of twenty-five thousand dollars shall have been subscribed, it shall be the duty of said commissioners to give notice in one or more newspapers, and appoint a day for the election of a board of directors, who shall hold their offices until their successors are elected and qualified. The payment for the stock subscribed shall be made in such installments or at such times as the board of directors may order; and when ten thousand dollars shall have been paid in, the bank may begin business.

§ 5. The bank may receive deposits of gold, silver, Discount and de- bullion, currency, or any thing lawfully circulating as posit. money, and repay the same in such manner, at such times, and with such interest, not to exceed the rate fixed by law, as may be agreed upon with the depositors by special or general contract. It may borrow or lend money, buy or sell checks, bills of exchange, promissory notes, or current money, bonds, stocks, mortgages, and other evidences of debt, and do a general banking business; may take personal or other securities for the payment of obligations, and dispose of the latter according to provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March sixteenth, one thousand eight hundred and seventy-one, and such disposition shall pass a valid title to same; may receive deposits from minors and married women, and their

checks, receipts, or acquittances shall be valid. All promissory notes and bills made negotiable and payable at the banking-house of said corporation, or at any other banking-house, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon said bills may be had thereon, jointly and severally, against the drawers, acceptors and indorsers thereof.

§ 6. The bank may acquire, hold and use all such real estate, goods and chattels, as may be convenient May acquire property. for the transaction of its business, or which may be conveyed to it as surety, or in satisfaction of any debt, judgment or decree, and may sell and convey the same at pleasure: *Provided*, Said company shall not hold or own any real estate conveyed to it as security for, or in payment of any judgment, decree or debt, for a longer period than five years. The board of directors may make all needful by-laws for the government of the bank not inconsistent with law.

§ 7. It shall be the duty of the president or cashier Taxation. of the bank to cause to be paid into the Treasury of this Commonwealth, on the first day of July in each year, seventy-five cents on each one hundred dollars of stock subscribed and paid up, and in the same proportion on such as have been partially paid, which sum shall be in lieu of all other taxes, State, county and municipal.

§ 8. The private property of stockholders shall not be liable for the debts of the corporation; and the indebtedness of the bank, other than for general deposits, shall at no time exceed the amount of its paid-up capital. Exemptions.

§ 9. Before entering upon their duties the president, directors and other officers of the bank shall take an oath before some justice of the peace, notary public or police judge to faithfully and honestly discharge all the duties incumbent upon them under this charter, and that they will not sanction or permit any violation of it, and should any occur, will at Oath.

once report the same to the Attorney-General of this Commonwealth.

§ 10. Nothing in this charter shall be construed to allow the bank to issue any note or bill to pass or circulate as money.

Not to issue money.

§ 11. The General Assembly, at all times, shall have the right to examine the affairs of the bank by a committee appointed for that purpose, and reserves the right to alter, amend or repeal this charter at pleasure.

§ 12. This act shall take effect and be in force from and after its passage.

Approved January 30, 1890.

## CHAPTER 92.

AN ACT to incorporate the Bank of Whitesville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That J. L. Stinnett, G. W. Mullen, John Sinnett, Henry Bray, J. B. Burton, William May, J. M. Berry, L. B. Wells, Isham Wells, Joe King and Pat. Haffy, and their associates, assigns and successors, be, and they are hereby, created a body corporate and politic, under the name and style of the Bank of Whitesville ; and by the said name to have and to hold goods and chattels, public and private securities of any kind and nature whatever, including shares of the capital stock of the said corporation, and the accumulated profits ; to contract and be contracted with, sue and be sued, plead, answer and defend, in all courts of this and other States, and the United States ; to make and use a common seal, the same to break or alter and renew at pleasure ; to ordain, establish and put in execution and amend such by-laws as may be necessary and expedient for the government of said corporation.

Incorporation.

§ 2. The capital stock of said corporation shall be Capital stock. twenty-five thousand dollars, divided into shares of one hundred dollars each ; but power is hereby given to said corporation to increase the capital stock from time to time to any amount not exceeding one hundred thousand dollars, by a vote of a majority in value of the stockholders ; and to provide for the issue, sale and manner of payment of said additional stock.

§ 3. The corporators named in this act, or any three When to commence business. of them, shall, as soon as may be deemed advisable by them after the passage of this act, open books for subscriptions to capital stock, and when twenty-five thousand dollars shall have been subscribed for and fifteen thousand dollars paid in, then the subscribers (due notice having been given of the time and place of the meeting) shall meet and proceed to organize said corporation. If any corporator named in this act shall fail to subscribe for stock when the books are opened for subscription, he shall cease to be a corporator ; and if any person subscribing for shares shall fail to pay for same, or any part thereof, as agreed, his claims may be considered and treated as void to the extent of such failure, at the election of the said corporation, but ten days' notice must first be given to the defaulting subscriber.

§ 4. At said first meeting of stockholders, or as Board of directors. soon thereafter as practicable, the stockholders shall proceed to elect a board of directors, to consist of not less than five nor more than nine bona fide holders of one or more shares of stock each, who shall have the management of the business and affairs of said corporation. Said directors shall be elected by a majority of shares voting at said meeting, allowing one vote for each share of stock, which may be cast by the person holding said stock or by proxy. Said directors shall serve until the first Monday in January next succeeding, and until their successors shall have been elected and qualified. On

the first Monday in January of each year thereafter, a new election for directors shall be in like manner held at the office of the company. Reasonable notice of said annual stockholders' meetings may be given in a newspaper published in Owensboro or Whitesville, Kentucky, and when so given shall be deemed good and sufficient. When said first Monday in January falls on a holiday, then said annual meetings and elections of directors shall be held on the first Tuesday in January. Should said annual meetings or elections for directors fail to be held on the day herein designated, the company shall not, from that cause, be dissolved or terminate; but any meeting or election had or made subsequent thereto by competent authority shall be deemed valid and so held.

Directors—powers.

§ 5. A majority of the board of directors shall constitute a quorum for the transaction of business. They shall elect from their number a president and a vice-president, and may appoint such other officers, agents and employes as may be necessary to properly conduct the affairs and business of the corporation; may prescribe their duties, and fix their salaries and terms of service; and, at the option of the board, receive bonds, with security, for the faithful performance of their duties. The board of directors shall have power to fill vacancies in their number occurring in the intervals of elections.

Lien on unpaid stock.

§ 6. The form of certificates of stock and the manner of transfer and assignment of same shall be regulated by the by-laws of the corporation, and a lien is hereby created in favor of the corporation on the stock of each share-holder for any claims that the company may have for any unpaid portion of his share or shares.

Annual statement.

§ 7. A financial statement of the corporation's affairs shall be made on the first Monday in January each year, or oftener if the stockholders require it, for the inspection and information of the stockholders;



and the directors may declare dividends of profits, if any profits have been made, at such times as they may see proper.

§ 8. Said bank may receive deposits from married women and minors, whose receipts and acquittances shall be valid.

§ 9. The said bank may transact business as a natural person, loan money, purchase or discount promissory notes and bills of exchange; receive on deposit, buy, sell and deal in gold, silver, coin, bank notes and other currency, exchange, bonds, stocks, mortgages or other securities and evidences of indebtedness, and do a general banking business. It shall have power to make loans and advances on approved securities, agricultural products, including growing crops, and other things. It may receive in pledge, or as security for money loaned by it, or debts owing to it, bonds, stocks, produce, merchandise, certificates and evidences of indebtedness, or other property, goods and chattels, and may sell the same on the non-payment of the debt or demand by ordinary course of judicial proceedings.

§ 10. That said bank may acquire, hold, possess, use, occupy and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or to further the objects of its creation, or which may be conveyed to it as surety of any debtor, purchased to and in the satisfaction of any debt, judgment or decree: *Provided*, Said bank shall not hold such real estate longer than five years, and sell and convey the same.

§ 11. Promissory notes and bills of exchange, or drafts made negotiable and payable at its banking-house, or at any other banking-house, organized under the laws of this State or the United States, and discounted by said corporation, shall be, and are hereby, placed on the footing of foreign bills of exchange, and like remedy may be had thereon, jointly or severally, against makers, guarantors, assignors, drawers, acceptors and indorsers.

§ 12. The private property of the individual stockholders shall not be responsible for the corporate debts.

Limitations.

§ 13. The indebtedness of this company over and above that incurred for depositors of money shall at no time exceed their paid-up capital stock.

§ 14. This act shall take effect from and after its passage.

Approved January 30, 1890.

## CHAPTER 93.

AN ACT to incorporate the Hickman Building and Loan Association, of Hickman, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Incorporation.

§ 1. That George Warren, J. D. Millard, W. P. Taylor, D. B. Bryant, H. C. Beckman, B. Moore and C. H. Baltzer be, and are hereby, constituted a body-corporate, under the name and style of the Hickman Building and Loan Association; and in that name may sue and be sued, implead and be impleaded; shall have succession; have a common seal, alter and change the same at pleasure; may acquire and hold real and personal estate, sell and convey the same: *Provided*, That no real estate shall be held longer than five years by said association; and shall possess all other powers not inconsistent with the object and intent of said association.

Location.

§ 2. The place of business of said association shall be in the city of Hickman, Fulton county, Kentucky, at such locality therein as it may, from time to time, designate as its place of business in said city, holding its meetings thereat for transaction of the business of the association at least once a month.

Capital stock.

§ 3. The capital stock of the association under each successive organization shall consist of not more

than two thousand shares, but may be of a less number. At the first organization under this charter, the shares shall be one hundred dollars each. Any one may become a member of the association by subscribing for one or more shares of the capital stock, and paying an initiation fee of twenty-five cents on each share subscribed. Each member of said association shall pay a monthly installment for each share held therein of one dollar each until all the share-holders have paid in full; and each share-holder shall be entitled to a sum of money equal to the full amount of his or her share or shares so paid in. At each successive reorganization, when new stock series are issued, the amount of the shares not exceeding one hundred dollars each, the monthly payments on same, and all penalties, fines, forfeitures, together with all fees, shall be as determined by the share-holders subscribing thereunder.

§ 4. Members may have their shares cashed in advance by paying interest on same in monthly installments to the end of each organization. Members who shall receive advances on their shares shall execute security by mortgage on unincumbered real estate, ample in amount to secure the same, preference being given in all cases to members of the association. Said loans shall draw six per cent. interest per annum. All mortgages executed to said association by its members shall remain in force until all shares are paid in full, or the amount covered by mortgages are repaid, including the payment of monthly installments, interest, fines, taxes and insurance. Payments.

§ 5. In addition to the mortgage or other security which may be given by a stockholder to secure any loan which may be made by the association to him or her, a first lien is hereby given to the said association upon the interest and stock of the said stockholder in said association to further secure the indebtedness aforesaid. Mortgage.

§ 6. Any homestead acquired by any share-holder of

Homestead.

said association, by or through the means extended to him or her by the same, not exceeding one thousand dollars in value (said person owning no other homestead), shall be exempted from all seizure or sale under execution, and all debts, except taxes, as is now provided for under the homestead law of this State, approved February tenth, one thousand eight hundred and sixty-six; but said exemption shall not prevail against any lien held in good faith by this association.

Surplus fund.

§ 7. The board of directors of said association are authorized to invest, from time to time, its surplus funds, over and above the amount required for the time for loans, in bonds or other securities, as they may think wise and prudent; but a majority of the whole board shall concur therein, which fact shall appear in the minutes of the association.

Distribute shares.

§ 8. The association, by successive organization, may distribute among its members series of shares in any number, each series terminating upon the full payment of all the shares subscribed. After the first organization of this association, the shareholders or any of them, and their associates, may again organize for the purposes named in this charter, and may continue to do so, from time to time, on the terms and conditions named herein, for a period of thirty years from the passage of this act: *Provided always*, That no stockholder shall be allowed to own more than twenty-five shares in any one series of stock.

Conduct of business.

§ 9. The affairs and business of the association shall be conducted by a board of seven directors, who shall be elected by the stockholders at the regular meeting in January of each year, for a term of one year, or until their successors are elected, qualified and enter upon the discharge of their duties. Nothing in this act shall prevent the incorporators named herein from exercising the pow-

ers and duties of a board of directors, until said board is elected and duly qualified.

§ 10. This corporation shall have authority to enact <sup>By-laws.</sup> any by-laws for the good government of the same, not inconsistent with the laws of this State, its charter rights, and the Constitution of the United States. It may provide in its by-laws what penalties shall attach for failing to pay the installments of stock at the time fixed therefor; having full power to enforce said penalties by fines or forfeitures of stock, after ten days' notice, in writing, to said delinquent, in person, or through the post-office. Said association may also provide the terms upon which members may withdraw from the association; also direct what officers of said association shall be required to execute bonds, with such conditions and sureties thereto as may be prescribed in said by-laws, and the same, when executed and delivered to said associations, shall be binding against all the obligors thereto. Said by-laws shall provide for the taxing a sufficient amount of cost, equally on each share of stock, adequate to meet the current expenses of the association; also define the duties of the officers of said association.

§ 11. The officers of this association shall constitute <sup>Board of directors.</sup> a board of directors, as provided for in section nine of this act; and the board shall elect a president and vice-president from among their number, also a secretary and treasurer shall be elected from among the share-holders, who shall hold their respective offices at the will and pleasure of the board of directors. No one shall be eligible to the office of secretary or treasurer who is at the time a member of the board of directors.

§ 12. All accumulations of money in the hands of the treasurer shall, in the discretion of the board of directors, be apportioned among the stockholders, who have hitherto drawn nothing on their shares; the order of drawing to be determined by lot

§ 13. Married women and minors may hold shares of stock in said association; and money paid by them on their shares, or by others for them, and the increase thereon, shall be for their own use; and in cases of married women, shall be exclusively under their separate control.

§ 14. No indebtedness, except such as may be incurred in the prudential conduct of the affairs and business of the association, shall be incurred by the corporation, and the private property of the stockholders shall be exempt from the debts of the association.

§ 15. The shares of stock subscribed to said association shall be taxed alone on the amount paid in by each share-holder at the time when the taxes are due, up to the date of each reorganization of the association, and the issue of new stock series, which shall be taxed as aforesaid.

§ 16. This act shall take effect and be in force from and after its passage.

Approved January 30, 1890.

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## CHAPTER 94.

AN ACT for the benefit of Breck Combs, sheriff of Breathitt county.

WHEREAS, Breck Combs, sheriff of Breathitt county, paid to the Auditor of Public Accounts the full amount of the State revenue due from the county of Breathitt for the year one thousand eight hundred and eighty-nine within the time required by law, and obtained his quietus for said year; and whereas, said Combs, by oversight and by being misinformed as to the necessity of so doing, failed to exhibit his said quietus on or before the first day of the county court in December, one thousand eight hundred and eighty-nine, as required by law; and whereas, by said failure said Combs forfeited the office of sheriff, and could

not legally be appointed to fill out the remainder of his term of office ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the disability incurred by said Combs by reason of his failure to exhibit his quietus at the time and in the manner required by law be, and the same is hereby, removed, and said Breck Combs is hereby given further time until the second Monday in March, one thousand eight hundred and ninety, in which to execute his official, State revenue, county levy and ad valorem bonds, and all bonds required by law to be executed by him as sheriff of Breathitt county ; and he is hereby permitted and authorized to execute any and all of said bonds before the judge of the Breathitt County Court at any time after the passage of this act, and before the close of the March term, one thousand eight hundred and ninety, of the Breathitt County Court ; and said bonds, when so executed, shall be as effectual and binding upon said Breck Combs and his sureties as if he had not failed to exhibit his quietus at the proper time, and had executed said bonds within the time required by law.

§ 2. That this act shall be in force from and after its passage.

Approved January 30, 1890.

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## CHAPTER 95.

AN ACT for the benefit of the trustees of the Western Baptist Theological Institute, Georgetown, Scott county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the trustees of the Western Baptist Theological Institute shall have full power to transfer to the trustees of the Kentucky Baptist Education Society, Georgetown, Scott county, Kentucky, all funds

and property, such as bank stock, cash, cash notes, and real estate now held by them: *Provided*, First, that said funds and so forth are to remain forever devoted to the cause and purposes for which they were created; second, that the transfer shall be made upon terms mutually acceptable to the trustees of the Western Baptist Theological Institute and the trustees of the Kentucky Baptist Education Society.

§ 2. That after such transfer has been made, the trustees of the Western Baptist Theological Institute may adjourn *sine die*.

§ 3. This act shall take effect from and after its passage.

Approved January 31, 1890.

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## CHAPTER 96.

AN ACT to amend the charter of the Buffalo Spring Cemetery Company, Lincoln county, Kentucky.

WHEREAS, By the charter of the Buffalo Spring Cemetery Company, approved the twenty-eighth day of February, one thousand eight hundred and sixty, the said company was authorized to purchase a tract or lot of land, not exceeding ten acres, to be used exclusively for burial purposes; and whereas, said company found it absolutely necessary to extend and enlarge their grounds for the purposes aforesaid, and have from time to time purchased other lands aggregating eighteen acres, three roods and five poles; and out of said quantity they have sold and given off two acres to the colored people, and which they use exclusively for burial purposes, leaving their said company sixteen acres, three roods and five poles; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That said Buffalo Spring Cemetery Company are hereby empowered, at any time, to purchase,



hold, use and occupy any quantity of land in excess of the ten acres as specified in the original charter, and which is to be used by said company exclusively for burial purposes, except so much as may be required for the erection of a vault or vaults, or a sexton's house, or for other necessary improvements.

§ 2. This act shall take effect from and after its passage.

Approved January 31, 1890.

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## CHAPTER 97.

AN ACT to authorize the county court of claims to levy an ad valorem and *per capita* tax in Adair county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county court of claims for the county of Adair shall have the power to levy an ad valorem tax, of not exceeding fifteen cents on each one hundred dollars' worth of taxable property in said county, to be collected in the same manner that the State revenue is collected, which tax shall be used for county purposes only.

§ 2. The said county court is also authorized to levy a *per capita* tax, of not exceeding one dollar and fifty cents upon each voter of said county, to be collected in the same manner and used for the same purpose as provided in section one of this act.

§ 3. That the sheriff or tax collector of said county shall be responsible on his bond for the collection of this tax in the same manner as for the State revenue.

§ 4. That all laws and parts of laws in conflict with this act are hereby repealed.

§ 5. That this act shall take effect from its passage.

Approved January 31, 1890.

## CHAPTER 99.

AN ACT for the benefit of colored common school district number two,  
Bourbon county.

WHEREAS, The census report of the trustees of colored common school district number two, Bourbon county, for the school year ending June thirtieth, one thousand eight hundred and ninety, was lost while being sent to the office of the county superintendent of common schools in said county, thereby necessitating him to adopt the census of the previous year, omitting forty-five (45) pupil-children of record in the original census report for the present school year; and whereas, the county superintendent has duly made a supplementary report to the office of the Superintendent of Public Instruction for the said forty-five (45) pupil-children; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his draft for the benefit of said district on the Auditor of Public Accounts in favor of Robert C. Talbott, county superintendent of common schools of said county, for the sum of ninety-nine dollars and ninety cents (\$99.90), to be paid out of the amount refunded to the State Treasury by reason of no school having been taught in colored district number fourteen, Bourbon county, for the school year ending June thirtieth, one thousand eight hundred and eighty-nine.

§ 2. This act shall take effect from its passage.

Approved January 31, 1890.

## CHAPTER 100.

AN ACT to incorporate the Bourbon Trust and Safety Vault Company, of Paris.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That E. F. Clay, C. M. Clay, Buckner Woodford, L. Frank, J. W. Davis, J. T. Hinton, Catesby Woodford, R. G. Stoner, J. E. Clay, A. Shire, W. E. Simms, Horace Miller, W. P. Ardery, Jos. D. Penn, Eli Penn, Francis Hall, W. O. Hinton, Thos. Woodford, G. G. White, S. E. Bedford, John H. Roseberry, G. C. Lockhart, F. R. Armstrong, W. L. Yerkes, W. W. Massie, W. H. McMillan, Geo. Alexander, R. L. Cummins, A. H. Bedford, Wm. Tarr and J. W. Lucas, and all other persons who shall become stockholders in the company hereby incorporated, shall be a body-corporate, by the name of the Bourbon Trust and Safety Vault Company; and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, and have and exercise all the powers hereinafter given; and may have and use a common seal, and alter the same at pleasure.

§ 2. The capital stock of the corporation shall consist of seven hundred and fifty shares, of the par value of one hundred dollars each, and said capital stock may be increased at a meeting of the stockholders (those holding two-thirds of the capital stock assenting thereto) to any sum not exceeding two hundred thousand dollars. In case of such increase of the capital stock, the stockholders at the time of the increase shall be entitled to a pro rata share of such increase upon the payment of the price fixed by the board of directors.

§ 3. Each person subscribing for any share or shares of stock in said company shall pay for each share so subscribed the sum of one hundred dollars; and said company shall not organize as herein pro-

vided until at least seven hundred and fifty shares of the capital stock shall have been subscribed for ; and said company shall not commence the transaction of business until at least the sum of twenty-five thousand dollars shall have been paid upon the aforesaid subscription of stock.

Open subscrip-  
tion books.

§ 4. The corporators, or a majority of them named in the first section of this act, are hereby authorized to open books for the subscription of the stock of the company hereby incorporated ; and when not less than seven hundred and fifty shares in said company have been subscribed for, may call a meeting of the stockholders so subscribing, to be held in the city of Paris, for the purpose of organizing said company.

Meetings.

§ 5. At the meeting called pursuant to section four of this act, and at all subsequent meetings of the stockholders of the company hereby incorporated, each share-holder shall be entitled to one vote for each share of stock held by him, and such vote shall be cast by said share-holder or by his proxy, appointed by writing ; at all meetings of share-holders a quorum shall consist of share-holders present in person or by proxy owning at least one-third of the capital stock.

Terms of office.

§ 6. At a meeting called pursuant to section four of this act the stockholders shall elect from their number a board of nine directors, which number may be increased to fifteen at any meeting of the stockholders, which board shall manage the business of the company, and in so doing may exercise all the rights and privileges hereby conferred upon said company. Said board of directors shall hold their offices until their successors are elected and qualified. The board of directors first elected shall divide itself into three classes. The term of office of the first class shall expire at the date of the next annual meeting of the stockholders, and after that time there shall be elected at each annual meeting a

number of directors equal to one-third of the entire board, and the term of each director shall be three years. If for any reason an election of directors is not held at the regular annual meeting, it may be had at any subsequent meeting; but the terms of directors so elected shall expire at the same time as if they had been elected at the regular meeting. Vacancies in the board of directors shall be filled by the board until the next regular annual meeting of stockholders.

§ 7. The stockholders of said company shall hold regular meetings, once in each year, at such times as may be fixed by the by-laws, and may hold meetings at other times as provided in the by-laws. All elections of directors shall be by ballot.

§ 8. The principal office of said company shall be in the city of Paris, Kentucky, and all meetings of stockholders and directors shall be held in said city. All the directors of said company shall be citizens of and reside in the State of Kentucky.

§ 9. The directors shall elect from their number, at their first meeting, and annually thereafter, a president and vice-president, and the board of directors may appoint a secretary and a treasurer, and such other officers, agents, clerks and employes as the business of the company may require, and prescribe their duties and compensation; any two or more offices of the company may be held by the same person.

§ 10. Said company shall not purchase or hold real estate, except that it may purchase or own or lease any real estate or building which is to be occupied in whole or in part by its offices and vaults, and may acquire real estate in satisfaction of any debt due it; but any real estate so acquired for debt must be sold within five years from the date of its purchase.

§ 11. The capital stock and surplus of the company, except so much as may be invested in real estate, as provided for in section ten, and so much as may be needed to conduct the business of the company, shall

be kept invested in or secured by the pledge of safe bonds, stocks or notes secured by lien on real estate paying a dividend or interest. And it shall be the duty of the company, on the first day of the first term of the Bourbon Circuit Court in each year, and oftener if required by the court, to file in said court a detailed statement of such investment, verified by the oath or affirmation of its proper officer. The funds so invested shall be primarily liable for the obligations of said company as executor, administrator, guardian, committee, receiver, assignee, trustee or other fiduciary capacity, and shall not be liable for any other debt or obligation of said company until its fiduciary obligations shall have been satisfied.

Capital stock.

§ 12. The capital and property of said company shall be taken and considered by law as the only security required for the faithful performance of its duties, and no other security shall be taken upon its appointment to any of the offices or duties mentioned herein except when specially required by the courts. The capital stock shall also be taken as the only surety and security required by law on any bond or bonds required, or necessary to be executed by said company as guardian, committee of persons of unsound mind, in proceedings to sell the real estate of persons under disability, or upon any other bond or bonds required or necessary to be executed by said company as guardian, trustee, committee or otherwise, or upon any bond of indemnity or other bond or bonds that may be required of said company in the course of any judicial proceeding, or in the prosecution of any remedy allowed by law to it in any of its fiducial capacities, except when specially required by the courts.

May act as guardian, etc.

§ 13. Said company may be appointed and may act as guardian, executor, administrator, committee of persons of unsound mind, receiver, assignee, trustee, commissioner or other fiduciary office or relation; and such appointment may be by deed or will, or by any

court having jurisdiction to make such appointment, or in any other manner not inconsistent with law. It may receive and hold in trust estate, real and personal, including the notes, bonds, obligations, and accounts of estates, individuals or corporations, public or private; and may, in its fiduciary capacity, purchase, collect, adjust, settle, sell or dispose of the same in this State or elsewhere. It may act as agent or attorney in the sale, leasing, conveying and managing real or personal estate, receiving or collecting rents or other money, in the issuing and countersigning certificates of stock, bonds or other obligations of any corporation, association, municipality, State or public authority; may receive and manage any sinking fund therefor, and may accept and execute all such trusts of every description, not inconsistent with law, as may be committed to it by any person or persons, or by any corporation, or by any court of this or any other State or county.

§ 14. Any court of this State, having jurisdiction to make or approve any of the appointments herein provided for, shall have power, before making or approving the same, and from time to time afterwards, to examine the officers of said company under oath or affirmation concerning the condition of the company, and to appoint a suitable person to investigate the affairs and management of said company, and to report to the court the manner in which its investments are made, and the security offered to those by or for whom its engagements are held. The expenses of each investigation shall be paid by the company.

§ 15. In the exercise by said company of the powers herein authorized as guardian, executor, administrator, trustee or other office or duty imposed by a court, said company shall be subject to the same duties and responsibilities, shall have the same powers, and receive the same compensation, as individuals holding similar offices and trusts.

§ 16. Said company may purchase, erect or lease

a safety vault containing compartments of boxes adapted for renting to persons as a place of safe deposit for valuables, and may rent the same upon such terms as may be agreed upon by it and the persons renting them.

§ 17. Said company may receive for safe-keeping such valuables as may be intrusted to it, receipting therefor by its proper officer.

§ 18. Said company may, from time to time, declare dividends from its net earnings; but before doing so it shall set apart at least ten per centum of said net earnings as a surplus fund, and shall continue so to do until said fund shall be equal to twenty per centum of its capital stock.

May make by-laws.  
§ 19. The board of directors shall make such by-laws, not inconsistent with law nor with this charter, as may be necessary or convenient for the exercise of the powers granted; but such by-laws may be altered or repealed by the stockholders at a regular annual meeting, or a meeting called for that purpose. The board may require the payment of the capital stock at such times and in such proportions as they shall think proper. The form of certificates of shares of stock, and the manner of transfer of same, shall be regulated by the by-laws; but no such transfer of stock shall be binding as to the company until it shall have been notified thereof, and the same has been noted on the books of the company; and a lien is hereby created in favor of said company on the stock of each share-holder for any claim that the company may have for any unpaid part of his shares.

§ 20. Private property of the stockholders of the company shall be exempt from liability for corporate debts.

Oath.  
§ 21. The officers and directors of this company, previous to entering on the discharge of their duties, shall take an oath before a notary public faithfully, honestly, and to the best of their ability, to discharge all the duties of their respective offices under this



charter, and that they will not knowingly permit any of the provisions of this charter to be violated.

§ 22. Nothing herein shall be construed to authorize said company to do a banking business.

Approved January 31, 1890.

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## CHAPTER 102.

AN ACT to amend an act to incorporate the Henry County Trust Company, at New Castle.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to incorporate the Henry County Trust Company, at New Castle," approved March twenty-sixth, one thousand eight hundred and eighty-eight, be, and the same is hereby, amended as follows : Section nine (9) and all of section ten (10), following the word "interest," in the eighth line of said act, are repealed, and in lieu thereof section nine (9) shall be and read as follows : Twenty thousand dollars of the capital stock of the company shall be kept invested in safe stocks or bonds or notes, secured by liens on real estate, paying a dividend or interest. The funds so invested shall be primarily liable for the obligations of said company as personal representative, guardian, receiver, assignee, trustee or other fiducial capacity, and shall not be liable for any other debt or obligation of said company until all its fiducial obligations shall be satisfied ; any remainder or excess of the capital stock, and the surplus and profits of the company, may be used in the purchase of promissory notes, bills of exchange or other evidences or securities for debt, and it may sell or dispose of the same as it may see fit ; and it is invested with all the rights and liabilities of a natural person in the purchase, sale or disposal of said evidences or securities for debt. It shall be the duty of the com-

pany, at the first term of the Henry Circuit Court in each year, and as often as required by said court, to file therein a detailed statement of the investment of its capital stock, verified by the oath of its president.

§ 2. After the word "business," in section seventeen of said act, is inserted the words "except that it may use its surplus profits and excess of capital over twenty thousand dollars as hereinbefore provided."

§ 3. This act shall take effect from and after its passage.

Approved February 1, 1890.

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## CHAPTER 103.

AN ACT to repeal an act, entitled "An act requiring the court of claims of Simpson county, Kentucky, to make compensation to road overseers in said county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act requiring the court of claims of Simpson county, Kentucky, to make compensation to road overseers in said county," approved May thirteenth, one thousand eight hundred and eighty-six, be, and the same is hereby, repealed.

§ 2. This act shall be in force from its passage.

Approved February 1, 1890.

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## CHAPTER 104.

AN ACT to amend an act, entitled "An act to incorporate the Logan Female College Company," approved March eleventh, one thousand eight hundred and eighty-seven.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the four directors of the Logan Female College Company, who are required to be elected by

the stockholders of said company, shall hereafter be elected annually, one each year, and shall hold their offices for a term of four years. But at the first annual election, held after the passage of this act, four shall be elected, one of whom shall serve one year, one two years, one three years, and one four years. The length of their several terms shall be determined by them by lot or by agreement among themselves, at their first meeting after said election, and shall be entered of record on their minutes.

§ 2. Hereafter, if less than a majority in value of the stockholders of said company are present, in person or by proxy, and vote at the regular annual or called meetings of the stockholders, their acts shall not be valid or binding upon said company unless ratified and confirmed by a majority of the board of directors at a regular or called meeting of the same.

§ 3. Notice of the time and place of any regular or called meeting of the stockholders of said company, published in two consecutive issues of some weekly newspaper published in Russellville, the first of which shall appear not less than ten days before such date, shall be deemed sufficient notice of the calling of said meeting: *Provided*, That only the board of directors can call such meeting.

§ 4. The board of directors are hereby authorized and empowered to borrow not more than five thousand dollars, at a rate of interest not exceeding four per centum per annum, and to execute a mortgage on the real estate belonging to said company, and also to pledge the rents and profits thereof to secure the payment of said money. In evidence of said debt they may issue bonds in such denominations, and payable at such times, as they may deem best. The money realized from the sale of said bonds shall be applied—first, to the payment of all the present indebtedness of said company, and after that to completion and improvement of the college buildings and grounds.

§ 5. If at any meeting of the board of directors a

quorum is not present, or due notice shall not have been given to all the members, the acts of said meeting shall become valid and binding when a majority of the directors sign the minutes of such meeting.

§ 6. This act shall take effect from its passage.

Approved February 1, 1890.

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## CHAPTER 105.

AN ACT to incorporate the Third English Evangelical Lutheran Church of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That H. Schoeffel, William Johnson, John M. Fritz, George R. Koch, Jr. and Louis Rehm, be, and they are hereby, constituted a body-corporate, under the name and style of "The Third English Evangelical Lutheran Church of Louisville, Kentucky," and said corporation shall have perpetual succession, shall have power and right to contract and be contracted with, sue and be sued, and to acquire, hold and sell, mortgage or convey such estates, real and personal, as may be necessary, useful or convenient, not exceeding in value fifty thousand dollars.

§ 2. The said corporation shall have its principal place of business in the city of Louisville, in the State of Kentucky ; and all persons who are now or may hereafter become members and communicants of the unincorporated body of Christians known as the Third English Evangelical Lutheran Church of Louisville, Kentucky, shall be members of this corporation, and all property and rights of property now held under and possessed by such unincorporated body shall pass to and vest in this corporation, and this corporation shall succeed to and be obligated to

carry out and perform all the duties and liabilities, legal and equitable, of such unincorporated body.

§ 3. The members of this corporation shall, on the first Wednesday in the month of May, one thousand eight hundred and ninety, elect, by a majority of those voting at such election, four councillors, two to hold office for four years, and two to hold office for two years, and on the first Wednesday in the month of May, one thousand eight hundred and ninety-two, and every two years thereafter, elect two members to be councillors for the two years succeeding their election. A councillor shall be a male member of said corporation and over the age of twenty. A register shall be made and kept by the secretary of said corporation, and each member of said corporation whose name appears upon the register thereof shall be entitled to a vote at all elections held by the members of said corporation. Said councillors shall annually select one of their number to act as secretary, and another of their number to act as treasurer of this corporation. And said councillors, secretary and treasurer shall perform such duties, not inconsistent with this act, as shall be prescribed by the by-laws of said corporation. The members of said corporation shall annually, by a majority vote of the members voting at such election, elect a pastor, two elders and four deacons, to be officers of this corporation, and their powers and duties shall be such as shall be prescribed by the by-laws of said corporation, not inconsistent with this act.

§ 4. All vacancies in the office of pastor, elder, deacon and councillor shall be filled by an election by the majority vote of the members of this corporation voting at such election, and at such time and place as may be prescribed by by-laws of said corporation; and said corporation may prescribe by the by-laws the causes for which any person may forfeit his right to

longer be a member of this corporation, and be subject to expulsion therefrom.

§ 5. The sole and only business of said corporation will be to advance and aid pure morals, to instruct in and disseminate the Christian religion.

§ 6. This act shall take effect and be in force from and after its passage.

Approved February 1, 1890.

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## CHAPTER 106.

AN ACT for the benefit of the trustees of the Methodist Episcopal Church, South, in Catlettsburg.

WHEREAS, A lot of ground in Catlettsburg is held by the trustees of the Methodist Episcopal Church, South, and upon part of which the parsonage is situated; and whereas, there is a strip on the south side of said lot ten feet wide by one hundred feet long, not necessary to said parsonage property, and about the location of the line of which there has been some controversy, and the settlement of which has been mutually agreed upon; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of the Methodist Episcopal Church, South, of Catlettsburg, Boyd county, Kentucky, be, and they are hereby, authorized and empowered to sell and convey, by deed, to the purchaser thereof, a strip of ten feet wide by one hundred feet long off of the south side of said parsonage lot, known as lot number twenty-seven, in Geiger's addition to the town of Catlettsburg, Boyd county, Kentucky, and receive and use, for the benefit of said parsonage, the money arising therefrom.

§ 2. This act shall take effect from and after its passage.

Approved February 1, 1890.

## CHAPTER 107.

AN ACT to incorporate the Burksville and Northwestern Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Wm. F. Alexander and Wm. Barton, of Incorporators. Cumberland county; Thomas Murray, of Metcalfe county, and J. M. Fetter and W. C. Nones, of the city of Louisville, Kentucky, and their associates, successors and assigns, be, and they are hereby, created a body-politic and corporate, by the name and style of the Burksville and Northwestern Railroad Name. Company; and by that name shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, defending and being defended, in law and equity, in all courts and elsewhere, in like manner and as fully as natural persons may be; and said corporation may have and use a common seal, and set aside, renew or alter the same at pleasure; and by said corporate name may contract and be contracted with, and by that name shall be, and are hereby, invested with all the powers, privileges, immunities and franchises of natural persons.

§ 2. The capital stock of said company may be any Capital stock. amount not exceeding thirty thousand dollars per mile for each mile of railroad which said company shall build or own, divided into shares of one hundred dollars each, and may be subscribed for, purchased, owned and controlled by individuals in and out of this State, and railroad companies and other corporations in Kentucky or elsewhere, and counties or precincts.

§ 3. The corporators named in the first section, or such of them as may act, shall constitute the first board of directors of said company, and may serve as such until their successors are duly elected and

qualified. The said corporators, or a majority of them, shall meet at such time and place as they may agree upon and designate; and from their own number, or from such persons as they associate with themselves, choose a president, and appoint such other officer and agents as may be necessary; they shall have power to adopt such by-laws for the government of the company, its officers, agents and employes, in the general conduct and management of the affairs and business of the company, as may be needful and proper, and alter, amend or repeal the same at will.

Location.

§ 4. The general office of the company shall be located in Burksville, Kentucky: *Provided*, The board of directors may change the location thereof where they deem proper. The directors shall have power and authority to locate and establish branch offices or agencies at such other place or places as may in their judgment be found necessary.

Election of directors.

§ 5. That the incorporators or first board of directors shall provide in the by-laws for an annual election of directors consisting of five in number, who shall be stockholders of said company, and fix the time and place and determine the manner of the first and succeeding elections of directors. The directors succeeding the first board shall severally hold their offices for one year, and until their successors are elected and qualified. Each board of directors may fill any vacancy occurring in their number, and shall choose from their own number a president. It shall require a majority, including the president, to constitute a quorum of the board of directors for the transaction of business.

Elections.

§ 6. At the election of directors, and all other meetings of stockholders in said company, stockholders shall be entitled to one vote for each share of stock so held, which may be cast in person or by written proxy. Provision shall be made in the by-laws for annual meetings of the stockholders, and such called meetings as are necessary.



§ 7. The president and directors shall have the management and control of the property, business and affairs of the company; may appoint all such officers, agents and employes as are necessary, prescribe their duties and compensation, and take from any one of them bond with security for the faithful performance of his duties.

§ 8. It shall be lawful for the president and directors of said company to open stock-books for subscription to the capital stock at such times and places, and continue them open for such length of time, as may be deemed necessary. The capital stock of said company is hereby declared to be personal property, and may be issued, certified, transferred and registered in such manner and at such places as may be ordered and provided by the by-laws of said company.

Stock books to be opened.

Capital stock personal property.

§ 9. It shall be lawful for said company, through its president and directors, to accept and receive contracts for donations and subscriptions. No subscription or donation by a town, county or precinct shall be due or payable until the road is completed, and trains running thereon into said town, county or precinct; and said company shall open a book, in which they shall keep a faithful registration of all donations and contracts for donations made to said company; and when the above conditions have been complied with by said company or their assigns, may enforce the payment of any promised donation in such courts and by such proceedings as now provided for the collection of promissory notes. That nothing in this act shall be construed to authorize any county, city, town or precinct to subscribe stock to said railroad.

May accept donations.

§ 10. The said Burksville and Northwestern Railroad Company shall be, and are hereby, authorized and empowered to locate, construct, build and complete a railroad, with such number of tracks and lines of telegraph as said corporation may desire, and for that purpose shall be entitled to acquire title to a continuous line of eighty feet in width of land, with

May construct roads.

such additional ground as may be necessary for the use of said railroad from Burksville, Kentucky, to said point at or near the Louisville and Nashville Railroad, between Bowling Green, Kentucky, and where the Louisville and Nashville crosses Green river, or to Glasgow, Kentucky; and to construct, build and furnish said railroad with all necessary side-tracks, turnouts, switches, depots, stations and all necessary buildings, erections and constructions for the convenient working of said railroad and carrying on its business, and with all the rolling stock of every sort and kind, and all other machinery, implements and property necessary and proper for the proper prosecution of its business; and said company shall have power to operate and maintain the same, and for said purpose said company, in its corporate capacity, is hereby vested with all the powers necessary for purchasing, acquiring title to, holding, selling and conveying and transferring all real, personal and mixed property said company may deem necessary to carrying out the objects of this act, to the same extent as any natural person or persons, or any other corporation may exercise such right of acquisition, holding and disposing of his, their or its property.

May locate and  
survey lines.

§ 11. Said corporation is hereby authorized, by its agents, surveyors and engineers, to cause such examinations and surveys of the different routes as are necessary to determine which is most suitable for the construction of said railroad; and it shall be lawful for said company to enter upon, take possession of, and use all such real estate as may be necessary for the construction, operation and maintenance of said railroad, its depots, side-tracks, water stations, engine houses, machine shops, and other buildings and appendages, necessary for the use of said railroad; and said corporation may also take and use any earth, gravel, stone or other materials needed for the construction, maintenance and repairs of said railroad

and its appendages and works: *Provided*, Said corporation shall do so only in virtue of and under the provision of chapter one hundred and eighty-five of the General Statutes of Kentucky, entitled "An act to prescribe the mode of condemning land for the use of railroad and turnpike companies," approved April eleventh, one thousand eight hundred and eighty-two.

§ 12. That said company shall have power to purchase and hold any other road in this State, or to sell or lease said road in or consolidate itself with any other railroad company in or out of this State, upon such terms and conditions as may be agreed between it and the other company or companies, so as to make continuous lines under one management from two or more certain termini; and may establish and take a suitable and proper name, to be approved of by the consolidating companies; and may lease and operate any railroad connecting with it, upon such terms as may be agreed upon; and for that purpose, full power is hereby given said company to make and execute any and all such contracts as may be necessary to carry into effect any such agreements for the purchase and sale or leasing of any such road, or for the consolidation, sale or lease of its road and franchises.

May purchase or  
consolidate with  
other roads.

§ 13. That said company is hereby authorized to borrow money to construct, complete, equip, furnish, operate or maintain its said railroad, and to issue bonds at a rate of interest not exceeding six per centum per annum, with such time to run as it may deem proper, and negotiate and dispose of the same as it may deem proper, and to mortgage its corporate property and franchises to secure the same; but it shall not be lawful for said company to issue, discount or dispose of a greater amount of bonds at their face value than thirty thousand dollars per mile of its contemplated road, or such road or roads as it may purchase or otherwise acquire.

May borrow  
money.

§ 14. That copies from the minutes of proceedings

Minutes to be  
valid as evidence.

of the board of directors of said company, certified by the secretary, and copies of the by-laws adopted by the board, when so certified, shall be received in all tribunals in this State as evidence as fully and to the same extent as would be the books of the company.

§ 15. That it shall be lawful for said company to receive, lease, purchase or otherwise acquire, hold, use and enjoy, all such real estate and personal property, or mixed property, as may be necessary for constructing, operating or equipping said railroad and a line of telegraph along the same, and may bargain, sell and convey said property as a natural person.

§ 16. That said company may make contracts with any corporation or person for constructing or equipping said road, or any part of the same, and pay therefor, in whole or in part, in the stock, bonds or other property of said company.

Towns may  
grant right of  
way.

§ 17. That it shall be lawful for the corporate authorities of any incorporated town or city, into or through which said railroad may be located, to grant to said company the right of way into or through said town or city to construct its said railroad on, upon or under public streets in such city or town; such grant of the right of way to be made upon such terms and conditions as may be agreed upon between said company and the corporate authorities of such city or town.

May establish  
rates of toll.

§ 18. That the board of directors and officers of said company shall have the power to establish such rates of tolls for the conveyance of persons and property on the said railroad as it may deem proper, not, however, to exceed the rates charged by other similar roads for like services.

When stock to  
be paid.

§ 19. That the subscriptions of stock shall be paid in such installments, and at such times as may be directed by the board of directors of said company: *Provided*, That no payment shall be demanded until at

least thirty days' notice of such demand shall have been given by said board of directors, by notice in a paper or papers published in any county on the line of the road, or on printed handbills posted up at the court-house door, and five other public places in each county into which said railroad runs; and if any subscriber shall fail or refuse to pay any installment or part of said subscription demanded according to the provisions of this section, the same may be recovered in an action in the name of said corporation against such defaulting subscriber in any court having jurisdiction of the amount to be recovered; and in all such actions, publication as directed in this section shall be only demanded necessary to be proved: *And provided further*, It shall be lawful to receive subscriptions to the capital stock of said company, payable in such work in the construction of said road or property as may be accepted by the company: *Provided*, That no subscription to the capital stock of said company, or donations made thereto, shall be binding unless the work upon said road shall be commenced within two years from the time of such subscription or donation: *And provided further*, That this act shall be void unless the work on said railroad shall be commenced in good faith within two years, and that the said road shall be completed within five years from the date of the passage of this act.

§ 20. Neither the incorporator nor the stockholders of the company shall be personally liable for the debt of the corporation.

§ 21. This act shall take effect and be in force from and after its passage.

Approved February 1, 1890.

## CHAPTER 108.

AN ACT to amend an act, entitled "An act to incorporate the Paducah and Illinois Bridge Company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section eight of "An act to incorporate the Paducah and Illinois Bridge Company" be, and the same is hereby, amended so as to read, that the time for the commencement and completion of said bridge is hereby extended, and said company shall, in good faith, commence the work of construction of said bridge within two years, and fully complete same within five years from the date of the passage of this act.

§ 2. This act shall take effect from its passage.

Approved February 5, 1890.

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## CHAPTER 109.

AN ACT to amend an act, entitled "An act to incorporate the 'Benedictine Society of St. Joseph's Church, at Covington,'" approved January-twenty-third, one thousand eight hundred and sixty-seven.

WHEREAS, There is in the city of Covington, Kentucky, a congregation by the name of "St. Joseph's Church" and a religious order called "Benedictines," neither of which has any official relation with the corporation described in the title hereof; and whereas, because of said three names, much inconvenience and confusion of correspondence, and as to the titles to property, has been and is being occasioned; wherefore, for remedy thereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the title of an act, entitled "An act to incorporate the Benedictine Society of St. Joseph's

Church, at Covington," approved January twenty-third, one thousand eight hundred and sixty-seven, be changed to read, "The St. Walburg's Monastery of Benedictine Sisters of Covington, Kentucky;" and by said name said corporation shall have, hold and possess all the estate, rights, powers and privileges conferred by said original act upon said corporation.

§ 2. That the said corporation is hereby empowered to sell, convey and transfer all estate, wherever and however held by it under the style and name of "The Benedictine Society of St. Joseph's Church, at Covington," to and into the name of "The St. Walburg's Monastery of Benedictine Sisters of Covington, Kentucky."

§ 3. That said corporation is hereby empowered to sell, transfer and convey any and all of its estate, real, personal or mixed, upon such terms as it may deem best, which conveyance shall, on behalf of the corporation, be signed by such officers or persons as said corporation shall direct.

§ 4. Said corporation shall select one of its members, resident in Kentucky, to be and act as its superior officer, and another member, also resident in Kentucky, to be and act as its secretary, and it may create, and from its members fill, such other offices as its needs and purposes, from time to time, may require, which officers shall possess such qualifications, discharge such duties, and serve for such time or times, as said corporation may, from time to time, direct by resolution or by-laws.

§ 5. This act shall take effect from its passage.

Approved February 5, 1890.

## CHAPTER 110.

AN ACT to amend an act, entitled "An act to organize, supervise and maintain a common school in common school district number forty-nine, on John's creek, in Pike county," approved April thirteenth, one thousand eight hundred and eighty-six.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to organize, supervise and maintain a common school in common school district number forty-nine, on John's creek, in Pike county, be, and the same is hereby, so amended as to leave out of the boundary of said district that part of the L. G. Runyon farm now owned and occupied by W. H. Maynard.

§ 2. This act shall take effect from its passage.

Approved February 5, 1890.

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## CHAPTER 111.

AN ACT to amend an act to incorporate Bethel High School, located in Christian county, Kentucky, approved March ninth, one thousand eight hundred and fifty-four.

WHEREAS, It is represented to this General Assembly that irregularities have heretofore existed in the election of trustees for Bethel Female High School, located at Hopkinsville, Kentucky, and in conferring degrees and honors on the graduate pupils of said school ; to remedy which, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the present acting trustees of said school, viz : S. E. Trice, R. T. Petree, T. E. Tiller, W. W. Ware, S. G. Buckner, J. G. Bow, James Rodman, J. D. Clardy, J. T. Barrow, J. F. Lockett, Jr., be, and

Trustees.



they are hereby, recognized as the legal trustees of said school and school property, and their official acts as such, and those of their predecessors, are hereby validated and held as legal; and all the degrees and honors heretofore conferred on the pupils of said school by said trustees are hereby held as regular and lawful.

§ 2. That not less than three-fourths of the trustees of said school, who may hereafter be elected as such, shall be members of a regular Baptist Church, and they shall be elected and qualified as prescribed in the original act of incorporation.

§ 3. That the name of Bethel Female High School Change of name. be, and is hereby, changed to that of Bethel Female College, and that all the business connected with and management of the property belonging to said school shall be conducted in the name of Bethel Female College. And the trustees of said school shall have authority and power to appoint and remove the principal or president of said school, and such other officers or agents as may be deemed necessary, and may lease the college property for such time and upon such terms as they may deem best for the interest of said college. Authority is hereby given to the president and faculty of said college, by and with the consent of the board of trustees, to confer on the pupils of said school any or all the degrees and honors usually conferred by the best colleges in this State.

§ 4. This act to be in force from and after its passage.

Approved February 5, 1890.

## CHAPTER 112.

AN ACT to amend an act to incorporate the Theological Seminary of the Protestant Episcopal Church, in the State of Kentucky, approved February twenty-fourth, one thousand eight hundred and thirty-four.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the trustees of the corporation chartered by an act, entitled "An act to incorporate the Theological Seminary of the Protestant Episcopal Church, in the State of Kentucky," approved February twenty-fourth, one thousand eight hundred and thirty-four, may remove and establish and maintain the said institution of learning at any point in the State of Kentucky which they may select.

§ 2. That the corporate name of the said institution be, and the same is hereby, changed to the College of the Diocese of Kentucky for Educating Young Men for the Ministry, and the name of the trustees thereof to the Trustees of the College of the Diocese of Kentucky for Educating Young Men for the Ministry.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 5, 1890.

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CHAPTER 113.

AN ACT to amend an act, entitled "An act to incorporate the Mulberry and Consolation Turnpike Road Company, of Shelby county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the charter of the Mulberry and Consolation Turnpike Road Company be, and the same is hereby, so amended as to authorize and empower the president and directors of said company, whenever

sufficient stock is subscribed, to construct a branch turnpike road, beginning at a point on the line of said company's road intersecting the company's present branch road, and running in a southerly direction between the lands of C. J. Harris and P. Bird, and through the lands of James Jesse, and intersecting the Benson and Shelbyville Turnpike Road at a point near the Ashland school-house.

§ 2. That the charter of said company be amended, also, as to authorize and empower the president and directors of said Mulberry and Consolation Turnpike Road Company to construct a branch turnpike road from Mulberry Church, running south, and intersecting said company's road at a point near Mrs. Logan's shop, whenever sufficient stock shall have been subscribed.

§ 3. That the branch road now under construction by said company, and connecting said company's road with the Shelbyville and Christiansburg Turnpike Road, be, and the same is hereby, authorized and approved as within the meaning and intent of section eight of said company's original charter.

§ 4. This act shall take effect from its passage.

Approved February 5, 1890.

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## CHAPTER 114.

AN ACT to amend an act to establish and maintain a graded free school in the town of Harrodsburg, Kentucky, approved March fifteenth, one thousand eight hundred and seventy-six.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the act above mentioned incorporating the Harrodsburg educational district be, and the same is hereby, amended as follows: That the trustees of said educational district are hereby authorized to impose, levy and collect a tax, not exceeding ten cents on Levy taxes.

each one hundred dollars of taxable property located within said district, and belonging to white persons, to be used and appropriated for the purpose of furnishing the school building in said district, fencing in the lot, boring a well and placing a pump in the same, and with any surplus funds that shall remain purchasing additional grounds to be added to the present school lot; and said tax may be collected in one thousand eight hundred and ninety, or thereafter, as said trustees shall determine.

§ 2. And said trustees of said educational district may, from time to time, as the necessity may arise, impose, levy and collect a tax in any one year not exceeding ten cents on each one hundred dollars' worth of taxable property located within said district, and belonging to and controlled by white persons, to be used and applied for the purpose of purchasing any necessary school furniture for said school-house, for insuring the building and furniture against fire, making repairs, defraying expenses of taking the census of the pupils in said district (children within the school age), and for elections held, employing janitors and providing fuel and incidental expenses.

§ 3. Be it further enacted, that said trustees of said graded school are authorized to have the taxes mentioned in the foregoing sections of this amendment collected by the sheriff of Mercer county, as similar school taxes are collected, he and his sureties to be responsible on his bond for the proper performance of his duties herein.

§ 4. That the trustees of said district school are authorized to levy and collect of each patron of said school a tax not exceeding two dollars during each session of five months that said school shall be taught, to pay for coal and incidental expenses.

§ 5. Be it further enacted, that the original act incorporating said graded school be amended, and said trustees of said school are authorized, for the purpose

of procuring funds to extend the sessions of said school beyond the term for which the fund derived from the State will pay the teachers, to proceed in accordance with article three, "District Taxation," of an act, entitled "An act to amend and reform the common school laws of this Commonwealth," passed at the session of one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight, which article is incorporated and declared to be part of the charter of said graded school. But for the purpose of securing funds to extend the session of said school in the year one thousand eight hundred and ninety beyond the term for which the fund derived from the State will pay the teachers, which term ends about February first, the vote mentioned in article three, "District Taxation," of the act referred to, is hereby authorized to be taken at any time during the year one thousand eight hundred and ninety, upon the compliance with the requirements of the said act as to notices thereof being posted.

§ 6. This act shall take effect from and after its passage.

Approved February 5, 1890.

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## CHAPTER 115.

AN ACT to amend an act, entitled "An act to incorporate the Mt. Vernon and Pisga Turnpike Company, in Woodford county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the act to incorporate the Mt. Vernon and Pisga Turnpike Company be amended as follows: That said company shall have the right to build a branch road from a point in its present road to Pisga Station, on the Louisville Southern

Railroad, a distance of three hundred yards, more or less.

§ 2. That said company shall have the right to appropriate, out of the funds of the said company now in the hands of its treasurer, whatever sum may be necessary to construct said pike.

§ 3. That this act take effect from and after its passage.

Approved February 5, 1890.

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## CHAPTER 116.

AN ACT for the benefit of G. W. Wilcox, sheriff of McCracken county, allowing him to execute bond in the month of February, one thousand eight hundred and ninety, for the collection of the revenue, and also to execute his official bond as sheriff.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That whereas G. W. Wilcox, the present sheriff of McCracken county, duly executed his official bond and his bond to collect the revenue for the year one thousand eight hundred and eighty-nine at the proper time in January, one thousand eight hundred and eighty-nine; but whereas, from oversight and mistake as to the law, he failed to execute or renew his said bonds on the first Monday in January, one thousand eight hundred and ninety; therefore,

§ 1. Be it enacted as aforesaid, that the said G. W. Wilcox be, and he is hereby, allowed during the month of February, one thousand eight hundred and ninety, to execute his official bond and bond for the collection of the revenue for the year one thousand eight hundred and ninety, in the McCracken County Court, in all other respects as required by law; and when said bonds are so executed and approved by said county court, the same are to have the same force and

effect of statutory bonds, and the same force and effect, and the same remedies thereon, to all intents and purposes, as though the same had been executed on the first Monday in January, one thousand eight hundred and ninety.

§ 2. This act shall take effect from and after its passage.

Approved February 5, 1890.

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## CHAPTER 117.

AN ACT to authorize the county court of Hart county to erect a work-house on the county farm, and to authorize the confinement of certain persons therein, and to work them on the county farm.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county court of Hart county, a majority of the justices in commission being present and consenting thereto, are hereby authorized and empowered to erect on the county farm a work-house of such capacity and of such materials as in their judgments may be necessary for the purposes herein specified, to be made reasonably secure.

§ 2. That after the completion of said work-house, any jury sitting in any court for Hart county trying any person or persons for a misdemeanor, the punishment of which is by law confinement in the county jail, may in lieu of said punishment say in their verdict that said person or persons may be confined in said work-house and put to hard labor on said county farm for same period as now prescribed by law for the offense of which they may be convicted.

§ 3. That if any court for Hart county shall render a judgment for a fine against any person or persons, and said person or persons shall fail to pay or replevy said fine, a *capias pro fine* shall issue against said person or persons, and the sheriff or other officer execut-

ing said writ shall deliver the person arrested to the superintendent of the county farm, who shall put such person to hard labor as provided in the second section of this act, for which said person so confined shall be allowed one dollar per day for each day he may be so confined on said county farm as a credit on said fine and costs until the whole is paid.

§ 4. That the superintendent of the county farm shall have the same authority to keep and prevent the escape of persons confined in said work-house under the provisions of this act that the jailer of Hart county now has over persons now confined in the county jail for misdemeanors.

§ 5. That should any person confined in said work-house under the provisions of this act refuse to work on said county farm, under the authority and direction of the superintendent, said superintendent shall have authority to use such humane and moderate coercive measures as may be necessary to compel such person to work.

§ 6. That if any person confined in said work-house under this act shall escape therefrom, he shall, upon conviction therefor before the county judge of Hart county, be confined therein for an additional period, not to exceed the period of original sentence; and it shall be the duty of the superintendent, by himself or his agent, to use due diligence to recapture such escaped person.

§ 7. This act shall take effect from its passage.

Approved February 5, 1890.



## CHAPTER 118.

AN ACT to authorize the city of Hopkinsville to issue and sell bonds to pay the present bonded debt of said city.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the board of councilmen of the city of Hopkinsville is authorized and empowered to issue the bonds of said city, to the amount of fifteen thousand dollars, of the denomination of five hundred dollars each, bearing any rate of interest not exceeding six per cent. per annum, payable semi-annually, in coupons attached to said bonds. Said bonds to become due and payable five years after date, and to contain a proviso that they may be paid at the pleasure of the city, at the date of the maturity of any of the coupons. Said bonds to be made payable to bearer at the bank of Hopkinsville, and signed by the chairman of said board of councilmen and the city clerk, and the coupons by said clerk. Said bonds to be sold by said city at not less than par, and the proceeds to be used in paying off fifteen thousand dollars of the bonds of said city now outstanding, known as street bonds, dated October first, one thousand eight hundred and seventy, and due at twenty years after date.

§ 2. This act shall take effect and be in force from its passage.

Approved February 5, 1890.

## CHAPTER 120.

AN ACT to amend an act, entitled "An act to incorporate the Mississippi River Levee Company, in Fulton county."

WHEREAS, Doubts having arisen in the minds of some that a charter granted by the Kentucky Legislature in one thousand eight hundred and seventy-two,

being chapter one hundred and thirty six, entitled "An act to incorporate the Mississippi River Levee Company," has been forfeited by non-use; and whereas, in the year one thousand eight hundred and eighty-eight, books were opened under said act, at the court-house in Hickman, Kentucky, by George Warren and A. D. Kingman, two of the commissioners appointed by said act, for subscriptions of stock in said levee company; and whereas, stock was subscribed to said levee company, amounting to one hundred and two shares of capital stock; and whereas, on the fourth day of October, one thousand eight hundred and eighty-eight, a board of directors for said company was duly elected by a large majority of the stockholders thereof to conduct and manage the business of said company under and by virtue of said charter, and said board of directors proceeded to organize, and elected a president and secretary, and go forward in the construction of said levee; and whereas, on the ninth day of November, one thousand eight hundred and eighty-nine, a majority of the stockholders in said levee company did elect a board of directors as successors of the former board, who proceeded to organize, and are now actively at work to secure the building of said levee; now, in order to settle all doubtful questions as to said organization and rights of said levee company and to secure its final completion, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all the rights, powers and privileges granted by an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to incorporate the Mississippi River Levee Company," approved thirtieth of January, one thousand eight hundred and seventy-two, being chapter one hundred and thirty-six of local acts, be revived and declared in full force and effect, and be invested in the present board of directors and their successors in office.

§ 2. *Be it further enacted*, That the city of Hickman may subscribe to the capital stock of said company any amount not exceeding twenty-five thousand dollars, on such terms and conditions as may be agreed upon between levee company and said city, and pay the same at par, in the negotiable bonds of said city, the bonds bearing any rate of interest not exceeding six per cent. per annum, at such place as may be agreed upon, with coupons attached to represent the interest; and all such bonds to be made payable to bearer. But no such subscription shall be binding unless the question of subscribing stock shall be first submitted to the legal and qualified voters of said city, at a general or special election, after giving twenty days' notice, as other election notices of said city are required by law to be given, and the same voted in favor of by a majority of the qualified voters of said city. The vote of said city shall be taken at such time, place and between such hours and by such officers as the city council may direct, and the officers of said election shall compare the polls and certify the result to the city council. In the event that the city of Hickman shall subscribe stock to said levee company under this act, the mayor of said city shall have the bonds issued and delivered to said levee company; and all bonds issued by said city shall be signed by the mayor and clerk of said city, with the seal of the city affixed thereto, but the coupons shall be signed by the clerk only: *Provided*, That no bonds for a subscription of stock herein shall be issued until the levee is completed and received by the levee company, from the highlands at Hickman, Kentucky, to the highlands in Lake county, in the State of Tennessee.

§ 3. This act shall take effect from and after its passage.

Approved February 5, 1890.

## CHAPTER 121.

AN ACT to amend an act, entitled "An act to incorporate the Ohio Valley Improvement and Contract Company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That an act, entitled "An act to incorporate the Ohio Valley Improvement and Contract Company" be, and the same is hereby, amended as follows:

§ 1. The said corporation may acquire and hold any mineral and timber lands, town sites, or other real estate; and may hold, lease, mortgage, convey, improve, develop and beautify any town sites, mineral lands, or other real estate, heretofore or hereafter acquired by it, within the State of Kentucky: *Provided*, That said company shall not own at any time more than five hundred thousand dollars' worth of real estate, shall not own any of said real estate more than five years, and shall, in a reasonable time, proceed to develop any real estate they may purchase.

§ 2. All deeds made by the company shall be signed and acknowledged by the president.

§ 3. This act shall take effect from and after its passage.

Approved February 5, 1890.

## CHAPTER 122.

AN ACT to incorporate the Shady Nook and Buena Vista Society, of Shady Nook, Harrison county, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Samuel Watson, Samuel Green, S. Ayers, Harrison Turner, Cornelius Wall, James Woodward and Matthew Ramage, and others now on the roll and in good standing in the Shady Nook Benevolent

Society, of Shady Nook, Harrison county, Kentucky, being colored persons of Shady Nook and vicinity, associated together for the purpose of mutual encouragement and aid in moral and intellectual development; also for the purpose of mutual aid and comfort in case of the sickness or death of any of its members, or their families, by way of money benefits, to be fixed by the by-laws or constitution of said society, be, and they and their successors are hereby, created and established a body politic and corporate, with power to sue and be sued in their corporate name of the "Shady Nook Benevolent Society," and with further powers and privileges hereinafter named, as follows:

§ 2. Said society shall endure for twenty-five years, and shall have the power of perpetual succession; and its capital stock shall not exceed ten thousand dollars.

§ 3. Said society may have a common seal, and may alter the same at pleasure.

§ 4. The private property of the members shall be exempt from corporate debts.

§ 5. Said society, through its authorized officers and agents, may make contracts, acquire and transfer property, real or personal, and in these respects enjoy and possess the same powers as private individuals.

§ 6. Said society may establish by-laws, rules and regulations for the government and control of said society, and the management of its affairs for the expulsion or suspension of any of its members; for prescribing the duties of any or all of its officers, and for doing and accomplishing all the objects and purposes of the organization: *Provided only*, That the same shall not be inconsistent with the laws of this State or of the United States.

§ 7. Nothing in this charter shall be construed into granting any power to said corporation to carry on the business of banking, insurance, or the construction of any railroad.

§ 8. All property owned and held by said society at this time, for the use and benefit thereof, shall remain and vest in the Shady Nook Benevolent Society, under this charter, for the use and benefit of the same.

§ 9. This act shall take effect from its passage.

Approved February 5, 1890.

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## CHAPTER 123.

AN ACT to amend section seven of the charter of the Knob Lick and McCormack's Church Turnpike Road Company, approved April eighth, one thousand eight hundred and eighty.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section seven of the charter of the Knob Lick and McCormack's Church Turnpike Road Company, approved April eighth, one thousand eight hundred and eighty, be amended so as to read as follows: "That the county court of Lincoln county are hereby authorized to subscribe to the capital stock of said company in an amount not exceeding twelve hundred dollars per mile, should they deem it in their discretion necessary to be done, instead of an amount not exceeding five hundred dollars per mile, as stated in said section ; but whatever amount may be subscribed by the county court of said county, the said subscription is not to be paid until two (2) miles of said road is completed." The remainder of said section is left intact.

§ 2. That the charter of said Knob Lick and McCormack's Church Turnpike Road be further amended so as to fix the beginning point of said road at the mouth of Powell's dirt road, at Knob Lick Turnpike Road, and terminal or ending point shall be at or near W. C. Bailey's store, situated on the Stanford and Hustonville Turnpike Road. There are no terminal points mentioned in original charter.

§ 3. This act shall take effect from its passage.

Approved February 5, 1890.

## CHAPTER 124.

AN ACT to incorporate the Howard Seminary of Owensboro for Young Ladies.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That John Wandling, E. G. Buckner, Jas. H. Parrish, S. M. Deane, R. P. McJohnston, of Owensboro, and their associates and successors, be, and are hereby, created a body-corporate, under the name of the Howard Seminary for Young Ladies, and have power and authority by that name to contract and be contracted with, to sue and be sued, to plead and be impleaded, answer and defend, in all courts and places ; and may have and use a common seal, with power to alter or change same at will. Incorporators.

§ 2. That the capital stock of said company shall not be less than ten thousand dollars nor more than twenty thousand dollars, in shares of one hundred dollars each. Capital stock.

§ 3. That it shall be lawful for the corporators named in the first section of this act to open books for the subscription of the capital stock named in section second of this act. Any three of said board shall have power to act at all times, and when the sum of ten thousand dollars is subscribed said corporators shall call an election, and the stockholders shall elect five trustees as successors of said corporators, with power to elect a president, secretary and treasurer. Open books for subscriptions.

§ 4. At least ten days' notice shall be given of the time and place of holding the first election of the board of trustees, and all future elections shall be held annually on the first Saturday in July. Give notice.

§ 5. All stockholders shall be entitled to one vote for each share of stock he or she may own, either by person or by written proxy.

§ 6. The treasurer shall be required to give a good

Treasurer's  
bond.

and sufficient bond for the faithful performance of his duties as such. It shall be the duty of said treasurer to receive all moneys, receipt for same, and pay it out on the order of the board of trustees, signed by the president, taking a receipt therefor; and he shall keep a record in a well bound book of his acts, always open to the inspection of the board, and he shall perform such other duties as directed by the board.

§ 7. The secretary shall attend all meetings of the board, keep all records and papers, and perform such other duties as the board may require.

Procure grounds.

§ 8. The board of trustees, after its organization, shall proceed to procure suitable grounds, and have erected on the same suitable buildings for school purposes, or shall buy grounds and buildings suitable for such purposes.

May make by-  
laws.

§ 9. The board of trustees shall have power to make such by-laws, rules and regulations as may be necessary and essential for their government, not to conflict, however, with the several sections of this charter. They shall have power to sell or lease said property, but all such sales or leases shall not be binding in law unless ratified by a two-thirds vote of the actual stock as prescribed in section five.

Donations.

§ 10. That said board of trustees, and their successors in office, shall have power to receive and hold, for the benefit of the corporation, by subscription of stock, donation, devise or purchase, any lands, tenements, money or other property; to sell or dispose of the same, or any part thereof, in such manner as they shall deem best for the corporation.

§ 11. The board of trustees shall have power to confer upon graduates of the institution such diplomas, honors and degrees as are usual in schools and colleges of like standing in this Commonwealth.

§ 12. The board of trustees shall have power to fill all vacancies arising from death, removal, resignation or otherwise that may occur in said board.



§ 13. The individual property of the stockholders shall not be subject to the liabilities of this corporation.

§ 14. This act shall take effect from and after its passage.

Approved February 5, 1890.

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## CHAPTER 125.

AN ACT to amend an act, entitled "An act to incorporate the East Hickman and Jessamine County Turnpike Company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the act, entitled "An act to incorporate the East Hickman and Jessamine County Turnpike Company" be amended as follows: By striking out the words "one thousand," where the same occurs in the twelfth section of said act, and by inserting in lieu thereof the words "fifteen hundred."

§ 2. That this act take effect from and after its passage.

Approved February 5, 1890.

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## CHAPTER 126.

AN ACT to amend an act, entitled "An act to provide for organizing and establishing a system of public schools in Winchester," approved April fifteenth, one thousand eight hundred and seventy-two.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the board of trustees of the public schools of the city of Winchester, who are to be elected by the white voters of said city and no others, be, and they are hereby, relieved of all connection with or control over the colored public school or schools of said city, and that said colored public school or

Present board  
relieved.

Superintendent  
to appoint.

schools for colored children be, and they are hereby, placed under and made subject to the common school laws of this Commonwealth with reference to colored schools, until the colored voters in said city shall accept the organization of a system of colored schools in said city, as provided for in an act, entitled "An act to provide for organizing and establishing a system of common schools in Winchester," approved April fourth, one thousand eight hundred and seventy-three. The superintendent of common schools in Clark county shall appoint a board of trustees of the colored school or schools in said city, who will hold office until their successors are elected at the next regular election of colored trustees under the common school laws of this Commonwealth.

Erect school-  
house.

Issue bonds.

§ 2. That the board of trustees of the public schools of Winchester be, and they are hereby, authorized and empowered to erect and furnish such building or buildings as they or a majority of them may consider necessary, in order to provide school facilities for all the white children of said city within school age who may desire to attend the public schools of said city; and for the purpose of raising the funds with which to pay for erecting and furnishing such building or buildings, said board may issue the bonds of the school district hereinafter described to an amount not exceeding fifteen thousand dollars, to run for a period of not exceeding twenty years, and payable in whole, or any portion thereof, at the option of said board, at the end of five years from the date thereof, and of any year after the expiration of said five years; said bonds are to bear a rate of interest not exceeding six per cent. per annum, payable semi-annually, and to be signed by the president of said board, and countersigned by the secretary thereof; said secretary shall sign officially each coupon attached to said bonds, and said bonds and coupons shall be made payable to bearer at some bank in said city. Said bonds may be of the denomi

tion of five hundred dollars or of one thousand dollars, at the option of said board, and their proceeds when sold shall be paid to the treasurer of said board, and be held by him subject to the order or orders of said board. Said board shall determine all questions with reference to the erection and furnishing of said building or buildings. In order to provide for pay-<sup>Levy tax</sup>ing off said bonds as aforesaid, said board may levy a tax of not exceeding fifteen cents on each one hundred dollars of taxable valuation in said district, as assessed by the assessor of said city, to be collected as the school tax in said city is now collected, and to be used in paying off said bonds as said board may direct, or to be used in creating a sinking fund for that purpose, as may be provided for by said board, which shall have power to create such a fund and manage and invest same at its discretion. Said tax shall be collected of all white persons liable to pay taxes for school purposes within the corporate limits as at present or hereafter established; and all such property, choses in action, or other taxable valuations as are now or may hereafter become subject to taxation for school purposes in said city, and for the purpose of paying off and discharging said bonds when they mature, or of adding to the sinking fund that may be created for that purpose, said board of trustees may levy a tax of one dollar on each white poll in said city in addition to what it now has power to levy, to be collected as poll-taxes are now collected in said city. The officer authorized to collect said tax or taxes when levied shall be responsible for the collection and payment of same on his official bond, as he is responsible for the collection and payment of the school taxes now authorized to be levied in said city; said bonds are to be exempt from taxation under the tax laws of said city: *Provided, however,* That said board of trustees shall not have power to build said house or houses, or to issue said bonds, or to levy said tax, until this act has been approved by a

majority of the votes cast at an election to be called and held on a day to be fixed by said board, at a meeting to be called by its president. Said election shall be held as elections are held under the law for holding an election of trustees of the public schools of Winchester; and at said election all white persons residing within the then corporate limits of Winchester, entitled to vote for trustees under the common school laws of this Commonwealth, shall be entitled to vote. Notice of said election shall be given by written or printed notices, signed by the president of said board of trustees, and posted at the court-house door, and four or more public places in Winchester, ten days before such election. The question to be submitted at said election shall be, "For the school-house tax" and "Against the school-house tax." If a majority of the votes cast at said election shall be "For the school-house tax," then said trustees shall have all the powers given by this act with reference to said bonds and coupons, tax or taxes, and school-house or houses; but if such majority shall be "Against the school-house tax," then they shall not have such powers. If, however, at the first election held as above, a majority as aforesaid should be "Against the school-house tax," then said trustees may, after one year has elapsed from and after the date of said election, again submit said question to said voters as herein provided for the aforesaid election; and if at the election then held a majority of the votes cast shall be "For the school-house tax," then said trustees shall have all the powers aforesaid, and may issue said bonds and coupons, levy said tax or taxes, and build said house or houses as herein provided for.

Vote of the people.

Notice of election.

Limits.

§ 3. That hereafter the territory embraced within the corporate limits of Winchester, or any extension thereof hereafter made, shall be and constitute a common school district as provided for in said act, approved April fourth, one thousand eight hundred and

seventy three, and the amendments thereto; and all territory outside of said limits shall be excluded from said district, and may be added to other districts by said superintendent.

§ 4. That all acts or parts of acts inconsistent with this act are hereby repealed.

§ 5. That this act shall go into effect from and after its passage.

Approved February 5, 1890.

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## CHAPTER 127.

AN ACT to amend an act, entitled "An act to incorporate the Windom Turnpike Company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the act, entitled "An act incorporating the Windom Turnpike Company," be amended as follows: By inserting the words "in Jessamine county" after the word "road," in the second line of the second section of said act.

§ 2. The county court of Jessamine county shall have power, a majority of the justices concurring therein, to subscribe to the capital stock of said turnpike company any sum not exceeding twelve hundred dollars per mile for each mile of said road, the same to be paid out of the county levy.

§ 3. That this act take effect from and after its passage.

Approved February 5, 1890.

## CHAPTER 129.

AN ACT to establish an additional voting place in Breckinridge county, at Webster Station.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an additional voting place be, and is hereby, established in the Bewleyville district, in Breckinridge county. Said voting place is to be at Webster Station, on the Louisville, St. Louis and Texas Railroad, in said county.

§ 2. This act shall take effect from and after its passage.

Approved February 5, 1890.

## CHAPTER 130.

AN ACT to repeal an act, entitled "An act to provide for repairing and keeping in repair the public roads in Lincoln county," approved February twenty-fourth, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to provide for repairing and keeping in repair the public roads in Lincoln county," approved February twenty-fourth, one thousand eight hundred and eighty-eight, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 5, 1890.

## CHAPTER 131.

AN ACT to amend an act, entitled "An act to incorporate the Limestone Mutual Fire Insurance Company, of Maysville, Kentucky."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to incorporate the Limestone Mutual Fire Insurance Company, of Maysville, Kentucky," approved April first, one thousand eight hundred and eighty, be, and the same is hereby, amended by striking out the words "the provisions of this bill shall apply only to the counties of Mason, Nicholas, Bracken, Fleming, Robertson and Lewis."

§ 2. That this act shall take effect from and after its passage.

Approved February 6, 1890.

## CHAPTER 132.

AN ACT to incorporate the Citizens' Bank of Bloomfield.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established and incorporated a bank of discount and deposit in the town of Bloomfield, Nelson county, Kentucky, with a capital stock of thirty thousand dollars, which may be increased from time to time, as the board of directors may deem advisable, to any sum not exceeding fifty thousand dollars, in shares of one hundred dollars each; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name of Citizens' Bank of Bloomfield; and shall have perpetual succession, with all the rights and privileges of a natural person, in its corporate name,

in contracting and being contracted with, in suing and being sued, in impleading and being impleaded, and of answering and defending, in all courts and places whatever ; and shall have all other rights and powers usual and incident to such corporations ; and may have and use a common seal, and change the same at pleasure.

Board of directors.

§ 2. The property, business and affairs of said corporation shall be under the management, government and control of a board of directors, to consist of not less than seven nor more than fifteen persons, as the by-laws of said corporation may from time to time regulate and prescribe ; but none except stockholders shall be elected or act as directors ; and the board of directors shall elect one of their number president of the bank, and also a vice-president, if they deem such last named officer necessary ; and W. B. McMakin, S. F. Wilkinson, E. W. Dugan, Andrew Briggs, Charles Porter, J. W. Houston, Samuel Fulton, Wm. P. Hays, S. O. McMakin, C. M. Vance and W. Scott Snider are hereby constituted and appointed a board of directors for said bank ; and the said W. B. McMakin is constituted and appointed president, and S. F. Wilkinson vice-president of said bank, to serve as such until their successors are elected and qualified ; and in case of a vacancy or vacancies occurring in the board of directors at any time, the remaining directors shall have power to appoint a qualified stockholder to fill such vacancy until the next regular election. The said board of directors shall provide for an election of directors by the stockholders on the first Monday in January after the organization of the bank, and on the same day in January of each year thereafter. All elections of directors shall be held at the place of business of the bank, which shall be in Bloomfield, Kentucky ; and notice of all elections of directors by the stockholders shall be given by publication in some newspaper published in Nelson county for at least four weeks preceding each election, and



such elections shall be held under the inspection of two or more persons, to be appointed by the board of directors, who shall certify the vote cast and the result under their respective signatures, and a plurality of the votes cast shall elect; and each stockholder shall be entitled to one vote for each share of stock owned by him, and may cast the same in person or by proxy in writing; and the board of directors may provide a form for the appointment of proxies, and specify the evidence that shall be required in the execution thereof; and in all cases directors shall continue in office until their successors are elected and qualified.

§ 3. The persons named in the second section of this act, or any one of them, may open books for, and receive subscriptions for, the capital stock of said bank, at such times and places and subject to such terms and conditions as they may deem proper; and whenever three hundred shares of the capital stock of said bank shall have been subscribed, and fifty per cent. thereof paid in, in accordance with the terms and conditions upon which the same were subscribed, and affidavit to that effect has been made by one of the incorporators above-named, before the clerk of the Nelson County Court, said corporation may proceed to transact a general banking and financial business, and may lend money, discount promissory notes, buy and sell exchange, stocks, bonds, mortgages and other evidences of debt, and take personal and other securities for same. The said bank shall have the power to make advances on approved securities, upon agricultural products, including growing crops, and upon all manufactures and fixtures as personal property. It may receive in pledge, or as security for money loaned or debts owing it, bonds, stocks, warehouse receipts, produce and merchandise, United States vouchers, certificates or bonds of indebtedness, or the bonds of this or any other State, city or county or company, and secure any debt or liability to said bank by mortgage on any real or personal property

Stock—how and when paid.

in or out of this State, and sell the same on the non-payment of the debt or demand, by ordinary course of judicial proceedings.

Discount and  
deposit.

§ 4. Said bank may receive deposits of gold, silver, bank notes or other currency, and repay the same in kind or as may be agreed upon with the depositors by special or general contract, and may allow interest on deposits. It may issue certificates of credit, payable throughout the United States or elsewhere, for the convenience of merchants and travelers, but shall not issue any notes or bills to circulate as money.

May acquire  
property.

§ 5. The said bank may acquire, hold, possess, use, occupy and enjoy all such real and personal property, goods, chattels and other things, as may be necessary or convenient for the transaction of its business, or which may be pledged or conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey or otherwise dispose of same, and pass a good and valid title, as a natural person: *Provided*, That said bank shall not hold any real estate conveyed to it as security for, or in payment in whole or in part of, any debt, judgment or decree for a longer period than five years.

May build vault.

§ 6. Said corporation may build a safety vault, with a number of small compartments or boxes, designed and adapted for renting to persons or corporations who desire to have a place of safe deposit for valuables; and said corporation is hereby empowered to rent out the boxes in such safety vault to such persons, and for such sums of money, and for such time as may be agreed upon between such corporations and such persons as may rent one or more of said boxes or compartments.

Forfeitures.

§ 7. That all such subscribers for the capital stock of said bank as shall fail to pay fifty per centum on each share subscribed for, at such time and place as may be designated by the persons named in the

second section of this act, shall cease to be stockholders, and the stock subscribed for by them may be subscribed for by others under the directions of said persons named in said second section : *Provided*, That any and all money which may have been paid to the bank on said stock shall be returned to the subscriber. And in case any subscriber shall fail to pay any subsequent call made by the board of directors (who are hereby authorized to make such calls at such times, and in such amounts, and on such terms as they may deem proper) for the unpaid balance of his subscription, and remains in default for sixty days from the date of such call, the board may in its discretion forfeit his stock for the benefit of the bank upon the bank refunding to him his money, and sell said stock to other parties. The form of certificates of shares of stock shall be regulated by the board of directors, and no transfer of stock shall be binding as to the bank until it shall have been notified thereof and the said transfer has been entered upon the books of the corporation ; and a lien is hereby created in favor of said bank on the stock of each shareholder for any claim that the corporation may have for any unpaid part of his shares to the bank, or for any other indebtedness of the share-holder due to said bank.

§ 8. The board of directors is hereby authorized and empowered to enact and put in force such rules and by-laws for the regulation, management, government and control of its property, business and affairs, as they may deem expedient, not inconsistent with the laws of this State or of the United States, and alter, amend and repeal the same at will, and shall specify therein the number of directors necessary to constitute a quorum for the transaction of business, and what officers the corporation shall have. They may appoint such officers, agents and servants as they may deem necessary to conduct the business of the bank, and provide for

Rules and regulations.

the payment of such sums for their services as salaries as they may think reasonable. The president, cashier, clerk, and such other officers as the board of directors may appoint or select, shall, before entering upon their respective duties, execute a bond to the bank, with security, approved by said board, and such conditions as they shall require, and to be renewed when demanded by said board; and upon any bonds thus taken recovery may be had for breaches of the conditions thereof.

Oath of office.

§ 9. The president, directors and other officers of the bank, previous to entering on the discharge of their duties, shall take an oath, before some officer authorized by the laws of this State to administer oaths, to faithfully, honestly, and to the best of their ability, skill and judgment, discharge all the duties of their respective offices and stations under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation; and that they will not, during their continuance in office, knowingly or willfully sanction or permit any of the provisions of this charter to be violated; and the officers' certificate that said oath has been taken shall be spread upon the record-book of the board of directors.

Liability of stockholders.

§ 10. The stock of this bank shall be deemed personal property, and every stockholder shall be individually liable to the creditors of the bank to the full amount of stock subscribed for and owned by him; but no other private property of the stockholders shall be liable for the debts or obligations of the bank.

Prohibition.

§ 11. The cashier and clerks of the bank shall be prohibited to indorse any person's paper or bond, or to engage in any hazardous business.

§ 12. This act shall take effect and be in force from and after its passage, and continue for thirty years.

Approved February 10, 1890.

## CHAPTER 133.

AN ACT to prohibit the sale of spirituous, malt and vinous liquors in Morgantown, Kentucky, and within half a mile of the corporate limits of said town, and to provide the punishment for selling any of said liquors.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall hereafter be unlawful for any person to sell any spirituous, malt or vinous liquors, or mixture of either, in Morgantown, Kentucky, or within half of a mile of the corporate limits of said town.

§ 2. Any person who shall hereafter sell any of said liquors contrary to this act shall, for the first offense, be fined not less than fifty nor more than one hundred dollars, and for each subsequent offense shall be fined not less than two hundred nor more than four hundred dollars, and confined in jail not less than ten or more than thirty days.

§ 3. Before this act shall take effect, there shall be an election held at the court house in said town, at which a vote shall be taken for and against the sale of liquor, at which all persons who are qualified voters of this State, and who shall have been bona fide residents of said boundary sixty days before the election, and those only, shall be entitled to vote ; and if a majority of the votes cast at said election be against the sale of liquors, this act shall be in force, and take effect from and after said vote is so cast.

§ 4. The county court of Butler county shall, by order, fix the time of holding said election, of which election ten days' notice shall be given, by written or printed notices, posted at the court-house door and three other public places in said town ; said court shall appoint officers to conduct said election.

§ 5. On the next day after the election the county judge, county clerk and sheriff, or any two of them,

shall compare the poll-book and returns of said election and give a certificate of the returns, which certificate shall be recorded in the order-book of the Butler County Court, and shall be conclusive evidence of the result, unless the same be contested as now provided by law.

§ 6. The punishment for illegal voting at said election, and for interfering with said election or disturbing same, shall be the same as for such offenses at any State election.

§ 7. If any person shall directly or indirectly offer any person money, property or other thing of value for the purpose of influencing his vote at said election, or by threats seek to influence his vote, shall be fined not less than five hundred dollars nor more than one thousand dollars; and any person who shall sell or offer to sell his vote at said election, shall be fined in the sum of not less than five hundred nor more than one thousand dollars.

§ 8. Persons violating any part of this act may be tried on a warrant in name of the Commonwealth before the county judge, or by indictment in the circuit court.

§ 9. All acts and parts of acts, general and local, inconsistent with this act, are hereby repealed.

Approved February 11, 1890.

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## CHAPTER 134.

AN ACT for the benefit of S. S. Dennis, ex-sheriff of Morgan county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That S. S. Dennis, ex-sheriff of Morgan county, be, and he is hereby, allowed the further time of two years from the approval of this bill in which to collect the taxes due him as sheriff in Morgan county, Kentucky.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 11, 1890.

## CHAPTER 135.

AN ACT to incorporate the Richmond Opera-house Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That G. W. Evans, W. R. Letcher, J. E. Greenleaf, Sam H. Stone, John Bennett, W. F. Francis, Alonzo Hay, John D. Harris, J. J. Brooks, C. S. Powell, D. W. Tribble, R. R. Burnam, J. C. Chenault, and their successors and assigns, be, and are hereby, incorporated in the name and style of the Richmond Opera-house Company; and in that name and style are empowered to contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts of this Commonwealth, and to make such rules and regulations and by-laws for the government and conduct of the business and affairs of said company as they may deem proper : *Provided*, That the same shall not be inconsistent with the Constitution and laws of this State or of the United States ; and said company may have perpetual succession.

§ 2. The said Richmond Opera-house Company is vested with power to purchase and own such real estate, and to purchase a lot and erect such suitable building or buildings as may be necessary or desirable to carry on its business ; and the said company shall have the right to sell and convey, rent or lease any real or personal property it may acquire in the course of its business, or it shall have the right to rent or lease property from others for such purposes as are contemplated in this act. That the capital stock of said company shall be any amount fixed by the incorporators, not to exceed fifty thousand dollars, the stock to be divided into shares of fifty dollars each, and the same may be paid within such time and on such terms as may be agreed on by the

May hold real estate.

Issue bonds.

persons subscribing the same. The said incorporators, or any one of them, is authorized to open books and receive subscription to the stock in said company; and to enable said company to purchase lots, and erect thereon an opera-house and other buildings connected therewith, the said company is empowered to issue its bonds in such sums and amounts as may be deemed advisable, payable in such time and manner, and to such persons, as the company may think proper, bearing a rate of interest not greater than six per centum per annum, payable semi-annually at some bank in Richmond, Kentucky, the amount of said bonds in no event to exceed two-thirds of the authorized capital stock; and to that extent the said Richmond Opera-house Company is empowered to execute a deed of trust upon its real estate, improvements, rents and profits, accrued and to accrue, and other property, to secure all bonds issued under this act, so as to create a prior lien on all said property to secure the payment of all bonds and the interest thereon issued in pursuance of this act; and said company may sell, hypothecate or exchange said bonds, as it may deem proper, in the purchase of lots and erection of said improvements.

Management.

§ 3. That the affairs of said company may be managed and controlled by an executive committee of five stockholders, to be selected by the stockholders of said company at such time and place and for such length of time as the by-laws of said company may prescribe. And said executive committee shall consist of the said five first-named incorporators, or any of the rest named, should any of the first five refuse to act, until an election be ordered and held, when those elected shall serve until their successors shall be regularly elected. And the said committee shall have power to purchase the lot or lots, make contract for the building, renting or erection of an opera-house, with other buildings and improvements, issue the bonds of said company and secure the same



by deed of trust, and do and perform all acts authorized by this charter or that may become necessary or proper after its organization and within the scope and meaning of this act, and such by-laws as may be adopted by said company.

§ 4. The individual property of stockholders of this company shall not be liable for the debts of said company.

§ 5. This act shall take effect from and after its passage.

Approved February 11, 1890.

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## CHAPTER 136.

AN ACT for the benefit of Mrs. J. A. Deiner.

WHEREAS, Joseph A. Deiner, of the county of Mason, State of Kentucky, did, on the first day of October, one thousand eight hundred and eighty-nine, pay to the trustee of the jury fund for coffee-house license, for the period of one year, the sum of one hundred and fifty dollars (\$150); and whereas, the said Joseph A. Deiner died on the ninth day of December, one thousand eight hundred and eighty-nine; and whereas, the widow of said Deiner, in order to provide support for herself and children, desiring to continue the same business at the same place, was compelled to take out license in her own name from the date of her husband's death; therefore

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor be, and is hereby, instructed to draw his warrant on the Treasurer in favor of Mrs. J. A. Deiner for the sum of one hundred and twenty-one dollars (\$121).

§ 2. This act to take effect from and after its passage.

Approved February 11, 1890.

## CHAPTER 137.

AN ACT to authorize the board of trustees of the town of Crab Orchard, Kentucky, to issue bonds to pay off the outstanding indebtedness of the said town.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The board of trustees of Crab Orchard, Kentucky, is hereby authorized to issue and sell seven bonds of the said town of Crab Orchard, each bond to be for the sum of one hundred dollars, and to bear interest at the rate of six per cent. per annum, payable semi-annually. The said bonds shall be printed, with interest coupons attached to same, and shall be, as also the coupons aforesaid, signed by the chairman of the board of trustees and by the clerk or secretary thereof. Said bonds shall be numbered serially; shall be made payable to bearer, and at the First National Bank of Stanford, Kentucky, and shall be due in five years from the date of their issue: *Provided*, The said board of trustees shall have the right, at any time after two years from the issual thereof, to call in and redeem any or all of said bonds, beginning with the bond numbered one, successively as numbered, by giving to the holders thereof sixty days' notice.

§ 2. The said board of trustees are hereby authorized to levy a tax upon all the taxable property in said town, not exceeding twenty cents on the one hundred dollars' worth, in addition to the tax now permitted by their charter to be levied, in order to provide for the payment of the semi-annual interest aforesaid on said bonds, and for the redemption of same when they fall due; and the said tax shall be collected in the same manner, upon the same terms and conditions, and by the same officer, as the town tax of said town is now collected.

§ 3. The said bonds shall be sold at a price not less than ninety per centum of their face value, and the

proceeds of their sale shall be applied to the payment of the present outstanding indebtedness of the said town of Crab Orchard.

§ 4. This act shall take effect from and after its passage.

Approved February 11, 1890.

## CHAPTER 138.

AN ACT to incorporate the town of Centertown, in Ohio county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the boundary of Centertown, in Ohio Boundary. county, shall be as follows: Beginning at a white oak, fifteen poles south of George Rowe's inclosure, on the south side of his farm; thence north with said Rowe's line one rod west of a double black oak; thence fifty poles to a black and white oak near the line between W. P. Rowe and William Warden; thence with said line to a stone on the northwest corner of the church lot; thence southeast to a culvert on the Hartford and South Carrollton road; thence south to W. P. and Willis Rowe's line; thence same course fifteen poles to a stake; thence west to the beginning.

§ 2. That the municipal, fiscal and prudential af- Trustees. fairs of said town shall be vested in five trustees, to be elected on the first Saturday in May, one thousand eight hundred and ninety, which trustees, when elected and qualified, and their successors in office, shall be a body-politic and corporate, and shall be known and styled the Board of Trustees of the Town of Centertown, and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, answer and defend, and to do all such acts and things, either in law or equity, as bodies-politic and corporate, having perpetual succession, may rightfully do and perform.

Chairman. § 3. Said board of trustees shall elect one of their number chairman of the board, and such chairman shall have all the power and authority incident to said office under the general law.

Secretary. § 4. Said trustees shall elect one of their number secretary of the board, and another treasurer, both of whom shall, before entering upon the discharge of their duties, execute a bond with surety, to be approved by the board, for the honest and faithful discharge of their respective duties.

§ 5. The officers mentioned in last section, together with their sureties, shall be severally liable for any misfeasance or malfeasance in office, and may be proceeded against by suit in any court of competent jurisdiction.

Election. § 6. There shall be elected at the same election at which trustees are chosen for said town, and for same term, a police judge and town marshal, who shall have the same qualifications as trustees. The police judge shall be a conservator of the peace, and shall have the same civil jurisdiction as a justice of the peace, and may hold quarterly terms of his court for the trial of civil causes. He may fix his rule days by order entered on the records of his court. He shall have the same jurisdiction in criminal and penal cases as a justice of the peace, except that, in addition, he shall have authority to hold an examining court without associating another esquire or justice with him.

Officers to give bonds. § 7. The town marshal shall have the same power and jurisdiction as a constable, and, in addition, when making arrests under warrant, may take, approve and certify bail bonds, where the warrant provides that bail may be taken. The police judge and marshal shall qualify for the discharge of their respective official duties by executing bond, with approved surety, conditioned for the faithful discharge of their respective duties in the Ohio County Court, and taking therein the oath of office. The marshal shall be ex officio collector of town tax, and shall receive such

compensation therefor as the board of trustees shall allow.

§ 8. The town officers shall be elected annually on Election. the first Saturday in May, and all persons over twenty-one years of age, who have actually resided in said town for sixty days, and in the State for one year next preceding any such election, shall be competent to vote at such election.

§ 9. All electors shall be eligible to municipal office.

§ 10. That Samuel Shull, Mack Ford, Alvin Rowe, Silas Jones and Thomas Ball are hereby appointed trustees of said town, and J. W. Greenwood, police judge, and Robert Ford, marshal of said town, who shall hold their offices after the execution of the bonds herein provided for, and qualifying as such, until the first Saturday in May, one thousand eight hundred and ninety, and until their successors are elected and qualified; and a failure upon the part of Enforce laws. any of the aforesaid officers or their successors to enforce any criminal or penal laws now in force in the limits of said incorporation, or any by-laws which may be hereafter passed by said board of trustees, upon information thereof for such failure, they shall be liable to indictment by the grand jury of Ohio county, and fined not less than ten nor more than one hundred dollars for each offense.

§ 11. The first election for town offices shall be held First election. by a clerk and two judges, to be appointed by the board of trustees, which election officers shall qualify as such as election officers are required to do under the general law, and be subject to the same penalties for violations of duty.

§ 12. The board of trustees shall have power by Fill vacancies. appointment to fill any vacancy in their board, or any vacancy in the office of police judge or marshal, until the next town election.

§ 13. The board of trustees shall appoint a town Assessor. assessor and prescribe the time for assessing the

property of the town for town purposes, and may annually levy a poll-tax of not exceeding one dollar on each voter in said town, and an ad valorem tax of not exceeding fifteen cents on each one hundred dollars' worth of property in said town liable to taxation for revenue purposes.

Keep record.

§ 14. The trustees shall keep a record of their proceedings, and shall make annual settlements with the treasurer and collector of town tax, and may remove any such officer for delinquency of duty; and the board of trustees shall likewise proceed to lay off all necessary streets and alleys for the convenience of said town and name the same, and if necessary, may condemn land for that purpose, subject to the limitations and restrictions of the general law.

§ 15. The trustees may receive donations of land, money or property, and may also apply all surplus revenues, arising from any and every source, for the benefit of schools in said town.

§ 16. It shall be at the option of the board of trustees whether they license any show, exhibition or hotel in said town.

§ 17. The fees of the police judge shall be the same as those of justices of the peace under the general law, and those of the marshal the same as of constables; and the trustees of said town may make such by-laws and rules as they may deem necessary for the government of said town, not inconsistent with the laws or Constitution of this State or United States.

§ 18. This act shall take effect from its passage.

Approved February 11, 1890.

## CHAPTER 139.

AN ACT to amend an act, entitled "An act to incorporate the Farmers and Drovers' Bank," approved February eighteenth, one thousand eight hundred and sixty-nine, and the several acts amendatory thereto.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to incorporate the Farmers and Drovers' Bank," approved February eighteenth, one thousand eight hundred and sixty-nine, as amended by several amendments to said act passed by the General Assembly of the Commonwealth of Kentucky, be, and the same is hereby, amended as follows: That the charter of said bank, as granted by said act of incorporation, approved February eighteenth, one thousand eight hundred and sixty-nine, and the several acts since passed amendatory thereof, shall be, and the same is hereby, extended and continued in force for fifty years from and after the eighth day of March, one thousand eight hundred and ninety. Extension.

§ 2. The name of the said bank is hereby changed to that of the Farmers and Drovers' Bank of Louisville; and in such name it shall hold its assets and transact its business, and shall sue and be sued, and answer and defend suits, either upon claims now existing, or which may hereafter arise; but any suits now pending may be conducted to final judgment and execution in the old name, in all respects as if this act had not been passed. Change of name.

§ 3. That the words "five thousand shares," in the fifth line of the third section of the act approved February eighteenth, one thousand eight hundred and sixty-nine, be stricken out, and that there be inserted in the place thereof the words "ten thousand shares;" and that said third section of said act be further amended by adding thereto, at the end thereof, Increase of stock.

the following clause: "And should the capital stock at any time be increased by the board of directors, the stockholders, at the time of said increase, shall be entitled to a pro rata share of such increase upon the payment of the price fixed by the board of directors.

§ 4. This act shall take effect and be in force from and after its passage.

Approved February 12, 1890.

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## CHAPTER 140.

AN ACT directing the county school superintendent of Robertson county to pay to Mrs. E. G. Dotson certain money due her as public school teacher in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That P. D. Linville, superintendent of common schools in and for Robertson county, be, and he is hereby, empowered and directed to pay to Mrs. E. G. Dotson the public school money for the school year ending June thirtieth, one thousand eight hundred and ninety, for common school district number eight, in Robertson county, regardless of whether or not the signature of the chairman of the board of trustees in and for said district be attached to, or upon her report as teacher for said district for said year.

Approved February 12, 1890.

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## CHAPTER 142.

AN ACT for the benefit of William Robb Procter, of Woodford county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That William Robb Procter, an infant residing in Woodford county, Kentucky, be, and he is here-



by, relieved of the disability of infancy, and all the powers and privileges of a person of the age of twenty-one years are hereby conferred upon him: *Provided*, Nothing herein shall be construed to authorize or empower him to dispose of his real estate by deed or will, or to encumber the same before he becomes twenty-one years old, or to confer upon him the right of suffrage.

§ 2. This act is to take effect from and after its passage.

[Became a law February 8, 1890, without the approval of the Governor.]

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## CHAPTER 143.

AN ACT to amend the charter of the Quick's Run and Ohio River Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act to incorporate the Quick's Run and Ohio River Turnpike Road Company, Acts one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight, chapter one thousand and seventy, be, and the same is hereby, amended, so that section one shall read: "Thence down the Quick's Run Valley, the most practicable route, to the mouth of Martin's Fork of said Quick's Run; thence the most practicable route to either Carr's or Stout's Landing, as the board of directors may select. The said road company is hereby authorized to extend their road from the mouth of Martin's Fork; thence down the Quick's Run Valley to the Ohio river road; thence the most practicable route to the city of Vanceburg; and all the provisions and conditions as set forth in sections seven and ten, shall be alike applicable to said branch road when the same is put under contract, or any part thereof, as provided in section seven."

Section seven is hereby amended so as to read :  
“The Lewis County Court, by the presiding judge thereof, is hereby authorized to subscribe stock to the amount of one thousand (\$1,000) dollars per mile for each and every mile let to a responsible contractor or contractors, payable in the bonds of Lewis county, and to be delivered to the president of said company, who shall receipt for the same and give bond that the same shall honestly and faithfully be applied to the building and construction of said turnpike road and all necessary bridges thereon. When a subscription list of responsible citizens to the capital stock of said road company is produced in said county court, at any regular term thereof, to the full amount of five hundred (\$500) dollars.

§ 10. That to enable said company to build their road as speedily as possible, and to equalize the burthens thereof, there is hereby levied on all real and personal property subject to taxation for State revenue, and lying and being within one and one-half miles of said road, on each side thereof, an ad valorem tax of fifty cents (50) on the one hundred dollars' worth of property as aforesaid, commencing at the head of Quick's Run, and to include the lands and property of John Pool, F. M. Brothers, Andy Jackson and John Hughes, and to the terminus thereof. Said tax to be collected each year by the sheriff of Lewis county, who shall be responsible for the same on his official bond, and turned over by him to the president of the company, who shall see that the same is economically used each year in the building and construction of said road, and for the legitimate expense of said road company, and to cease when said road is completed. The assessor of Lewis county is hereby authorized to make the assessment of property subject to taxation in aid of the building of said road and return the same to the Lewis County Court at the same time and in the same manner as required by law for the State and county revenue, and shall

agree with the president of said road company as to his compensation for the making out and returning said tax lists; and the tax-payers who pay taxes under this act toward building said road, shall be stockholders in said turnpike road company to the amount of taxes they pay.

§ 11. All acts and parts of acts in conflict hereto are hereby repealed.

[Became a law February 8, 1890, without approval of the Governor.]

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#### CHAPTER 144.

AN ACT concerning the health department of the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the health officer of the city of Louisville shall cause to be made an index and cross-index of the records of said office, the same to be paid for by the city of Louisville.

§ 2. All laws or parts of laws in conflict with the same are hereby repealed.

§ 3. This act shall take effect from and after its passage.

[Became a law February 8, 1890, without approval of the Governor.]

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#### CHAPTER 145.

AN ACT to authorize Ignatius H. Pike, of Union county, to transact business under the same responsibilities of a man of full age.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Ignatius H. Pike, of Union county, now just turned into his twenty-first year, be, and he is, empowered to carry on business, and make contracts,

to enjoy the fruits of his exertions independent of his father; and all contracts that he shall make shall be binding and enforceable against him, as if he was twenty-one years old at the time of making same; and he shall have the sole control, for his own use and benefit, of any property he may acquire before he arrives of full age.

§ 2. This act to take effect and be in force from its passage.

[Became a law February 10, 1890, without the approval of the Governor.]

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## CHAPTER 146.

AN ACT to prohibit the sale of spirituous, vinous or malt liquors, or mixtures thereof, or any other intoxicating drink, within a radius of three miles of the Beech Bottom Baptist Church-house, in Clinton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. Whoever sells spirituous, vinous or malt liquors, or mixtures thereof, or any other intoxicating drink, within a radius of three miles of the Beech Bottom Baptist Church-house, in Clinton county, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense, to be recovered in any court of competent jurisdiction.

§ 2. This act shall take effect and be in force from and after its passage.

[Became a law February 18, 1890, without the approval of the Governor.]

## CHAPTER 147.

AN ACT to change the boundary line of Lee and Owsley counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the boundary line between Lee and Owsley counties be so changed as to include in the county of Lee the farms now owned and occupied by Thomas J. McGuire, Bradley Begly and Jesse Evans.

§ 2. This act shall take effect from its passage.

Approved February 12, 1890.

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## CHAPTER 149.

AN ACT to amend an act to incorporate the town of Drakesboro, in Muhlenberg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to incorporate the town of Drakesboro, in Muhlenberg county," approved February twenty-first, one thousand eight hundred and eighty-eight, be amended as follows: By striking out the words "first day of June of," in the first line of section six of said act, and inserting in lieu thereof the following words: "Assessment is made and returned to said trustees."

§ 2. This act shall take effect from its passage.

Approved February 12, 1890.

## CHAPTER 150.

AN ACT to prevent trespassing on real estate in the county of Boone.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That no one shall knowingly and unlawfully throw down or leave open any bars, gates or fence upon the land of another.

§ 2. That no person shall enter upon the land of another without permission of the owner, occupant or person in charge thereof, for the purpose of hunting or gathering fruits or berries.

§ 3. Any violation of any provisions of the preceding sections of this act shall be punished by a fine of not less than one dollar nor more than twenty-five dollars, and in default of payment of the fine, by imprisonment not exceeding ten days.

§ 4. The owners of the land trespassed upon, with such others as he may command to assist him, may arrest on such land any person violating this act, and forthwith take him before any justice of the peace for trial.

§ 5. This act shall take effect from and after its passage, but shall only apply to the county of Boone.

Approved February 12, 1890.

## CHAPTER 151.

AN ACT to amend the charter of the town of Stephensport, in Breckinridge county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the twenty-third section of an act approved April twenty-second, one thousand eight hundred and eighty-six, amending and reducing into one the several acts concerning the town of Stephensport,

be so amended, that whenever a vacancy shall occur in the office of the police judge of Stephensport by death, resignation or otherwise, it shall be the duty of the Governor of this Commonwealth to fill said vacancy temporarily until the next succeeding August election, and until the successor then chosen has qualified by the appointment and commission of some suitable person. A writ of election to fill the remaining vacancy shall be issued by the county court of Breckinridge county, and attested by the county clerk, and be directed to the sheriff of said county, who shall give notice thereof and hold an election as required by law in cases of justices of the peace.

§ 2. That section thirty-eight of said act be so amended, that whenever a vacancy shall so occur in the office of marshal of said town, it shall be the duty of the county court of said county to temporarily fill said vacancy by the appointment of some suitable person until the next succeeding August election, and until the successor then chosen has qualified. A writ of election to fill the remaining vacancy shall be issued by the county judge, or if he is absent from the county, by the county clerk, and be directed to the sheriff of said county, who shall give notice thereof, and hold said election as provided by law in cases of constables.

§ 3. The board of trustees of said town may, from time to time, as the public interest requires, appoint any number of policemen they may deem necessary, and fix their compensation, who shall, upon taking an oath before some officer authorized to administer oaths faithfully to perform their duties, be invested with the authority of peace officers.

§ 4. This act shall take effect and be in force from and after its passage.

Approved February 12, 1890.

## CHAPTER 152.

AN ACT to amend the charter of the Bagdad Cemetery Company, of Shelby county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That this act shall be so amended as to empower the board of directors of said cemetery company to sell and convey any portion of the grounds thereof not previously used for interment, and not suitable, in their judgment, for cemetery purposes, and at any time to purchase, or receive by donation, any grounds adjoining said cemetery suitable for the interment of the dead.

§ 2. This act shall take effect from its passage.

Approved February 12, 1890

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## CHAPTER 154.

AN ACT to authorize the Daveiss County Court to sell and convey the pauper burying-ground belonging to said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Daveiss County Court be authorized and empowered to sell and convey, by deed, the Daveiss county pauper burying-ground, and use the proceeds from the sale of same to purchase another lot of ground to be used for the purpose of burying the paupers of said county in.

§ 2. This act to take effect and be in force from and after its passage.

Approved February 12, 1890.



## CHAPTER 155.

AN ACT for the benefit of Jacob Nall, of Webster county.

WHEREAS, Jacob Nall, of Webster county, Kentucky, asks the privilege of being included in the district of the Dixon High School, which desire is indorsed by the trustees of said school; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Jacob Nall, his residence and property, are hereby included within the boundary of the district of the "Dixon High School," in Webster county, Kentucky; said Nall to have all the rights and privileges, and be subject to the same taxation and responsibilities, as other persons living in said school district.

§ 2. This act shall take effect from its passage.

Approved February 12, 1890.

## CHAPTER 158.

AN ACT to amend an act, entitled "An act levying and imposing a tax on dogs of Boone county, and providing for its collection and appropriation to the payment of losses by the owners of sheep in said county occasioned by dogs killing and injuring sheep."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act levying and imposing a tax on dogs of Boone county, and providing for its collection and appropriation to the payment of losses by the owners of sheep in said county occasioned by dogs killing and injuring sheep," approved January twenty-eighth, one thousand eight hundred and eighty-four, be amended as follows: That so much of said act as relates to the appointment of a receiver of said fund, and defining his powers, du-

ties and compensation, be repealed ; and it shall be the duty of the sheriff of said county, on or before the first of January in each year, to deposit the whole amount of tax collected, excepting his own fee, under the provisions of this act, in the preceding year, in the Boone County Deposit Bank, at Burlington, to the credit of the sheep fund, and subject to the order of the Boone County Court ; and to be paid out by them as directed by the provisions of this act and of the original act.

§ 2. That section twenty-two of said act is hereby repealed.

§ 3. That if said funds are insufficient to pay the damages done by dogs, then it shall be the duty of the county commissioner of said county to increase the tax on dogs, not to exceed one dollar, and bitches not to exceed two dollars, and they are hereby empowered to do the same ; and after all claims, both old and new claims, have been paid off, and there proves to be a surplus, then the county commissioners shall lessen the tax, to prevent too much surplus accumulating.

§ 4. All other amendments to this act are hereby repealed ; and this act shall be in force from and after its passage.

Approved February 12, 1890.

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## CHAPTER 159.

AN ACT to change the boundary of the town of Winchester.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the limits of the town of Winchester be, and they are hereby, extended as follows : Beginning at the point in the boundary of said town where the Paris and Winchester Turnpike Road crosses said boundary ; thence running north with the center of said turnpike road to a point opposite where Cook Avenue, a street of Mount Abbott, a suburb of the

town of Winchester, touches said Paris and Winchester Turnpike Road; thence running east with the center of said Cook Avenue to a point in same opposite the western line of the lot of ground upon which is situated the dwelling-house of Frank P. Pendleton; thence in a straight line to the southwest corner of said lot; thence with the west line of said lot to the northwest corner of same; thence with the north line of said lot to the northeast corner of same; thence with the east line of said lot to the southeast corner of same; thence with the north line of said lot to the southwest corner of same; thence back to the point in the center of said Cook Avenue, opposite the western line of lot; thence west with the center of said Cook Avenue to a point in the center of said Paris and Winchester Turnpike Road opposite where Cook Avenue touches same; thence south with the center of said turnpike road to the point where it crosses the present boundary of the town.

§ 2. This act shall take effect from its passage.

Approved February 18, 1890.

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## CHAPTER 160.

AN ACT to prohibit the sale of spirituous, vinous and malt liquors within two miles of Monroe's Chapel or Church, in Barren county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter it shall be unlawful for any one to vend or sell any spirituous, vinous or malt liquors, or the mixture of either, within two miles of Monroe's Chapel or Church, in Barren county, Kentucky.

§ 2. Any one violating the provisions of this act shall, upon conviction thereof, be fined for each and every violation the sum of fifty dollars.

§ 3. This act shall take effect from and after its passage.

Approved February 18, 1890.

## CHAPTER 161.

AN ACT to incorporate the Winchester Female College.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

**Incorporators.** § 1. That H. P. Thomson, F. H. Dudley, J. M. Rash, J. H. Hunt, W. B. Kidd and S. D. Goff be, and they are, constituted, together with their associates and assigns, a body-corporate, under the name of the Winchester Female College; and as such shall have power to sue and be sued, to contract and be contracted with, and to use and exercise the other powers granted and specified in chapter fifty-six of the General Statutes of this State.

**its business.** § 2. The business of said corporation shall be to conduct a collegiate institute at Winchester, in Clark county; and it may buy, hold, sell and convey such real estate as its board of directors may deem necessary for its purposes; and shall have power to confer diplomas or degrees on those who graduate in such institute, or whom its trustees may consider worthy of such diploma or degree.

**Capital stock.** § 3. The capital stock of said corporation may be any amount not exceeding twenty-five thousand dollars, to be fixed by its board of trustees, and which shall be divided into shares of one hundred dollars each, payable as called for by said board of trustees, and transferable by indorsement on the back of the certificate of stock.

**Board of trustees.** § 4. The board of trustees may consist, for the first year, of the aforesaid persons, who shall elect some one not of their number chairman, and who shall serve until their successors are duly elected. The stockholders in said corporation shall meet on the first Saturday in June of each year, and elect a board of trustees, and such other officers as they may deem proper, whose duties shall be prescribed by said

board ; said board may, after the first election, consist of such number as the stockholders may determine at their first meeting, not exceeding seven, and with such qualifications as said stockholders may prescribe. Said board may make by-laws and regulations for the government and conduct of said corporation not inconsistent with the laws of the land.

§ 5. Private property of members of said corporation, or stockholders therein, shall be exempt from corporate debts.

§ 6. The stock in said corporation may be paid for in real estate or otherwise, as may be prescribed by said board.

§ 7. This act shall go into effect from and after its passage.

Approved February 18, 1890.

## CHAPTER 162.

AN ACT to authorize the people of Russell county to vote on prohibiting the sale of liquors, and fixing the penalty for the sale of liquors in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the officers appointed by the county court of Russell county to hold elections in said county in the year one thousand eight hundred and ninety, are hereby authorized and directed to open a poll at the various voting places in said county, on the first Monday in the month of April, one thousand eight hundred and ninety, to take sense of the legal voters on the question of prohibiting the sale of liquors in said county. The polls shall be kept open by the officers of election from seven o'clock before noon to six o'clock afternoon ; and the question shall be put to each voter : "Are you in favor or against the sale of liquors in Russell county ?" Providing for an election.

§ 2. The poll-books of the election ordered by the first section of this act shall be returned to the clerk's office of Russell county by the third day after the election, properly sealed and signed by the officers holding said election, as other poll-books are by law required to be signed and sealed; said books shall be opened by the county judge, clerk and sheriff, and the votes by them counted, and if it shall be shown by said count that a majority of those voting at said election have voted for prohibiting the sale of liquors in said county the result shall be so declared by being entered on the order-books of said county court of Russell.

§ 3. That if it be ascertained by the election ordered by the first section of this act that a majority of those voting at said election voted to prohibit the sale of liquors in said county, then it shall be unlawful, from and after the entry of the result of said election in the order-book of the clerk's office, for any person or persons to sell spirituous, vinous or malt liquors in said county in packages or quantities other than five gallons: *Provided*, That any person or persons who may at the time of said election have license to sell liquors as a beverage, may continue to do so until the expiration of the time for which the license was given.

§ 4. That after the entry of the result of said election shall have been made, the sale of spirituous, vinous or malt liquors in said county, in quantities less than five gallons, shall be considered a misdemeanor, and punished by a fine of fifty dollars for each offense; and each sale shall be considered a separate offense.

§ 5. That the circuit court, county judge, police judge, or any justice of the peace, shall have jurisdiction to try any one for a violation of the third section of this act: *Provided*, That the prosecuting attorney or the defendant may have the right to demand and have a jury to try the case.

§ 6. The vote upon the subject of the passage of this law shall not be submitted to the vote of the people of said county of Russell oftener than every five years, and that the county judge of said county shall cause a poll to be opened biennially after the first election, upon a petition of fifty legal voters, for the purpose of the adoption or disapproval of this law in said county. The county judge shall cause to be posted three notices of said election in each voting precinct in said county twenty days before said election.

§ 7. This act shall be in force from its passage.

Approved February 18, 1890.

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## CHAPTER 163.

AN ACT to incorporate the town of Josephine, in Scott county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the village of Josephine is hereby declared to be a town and body-corporate, with all the rights and privileges conferred upon, and subject to all the duties required of, towns by chapter one hundred and seven of the General Statutes.

§ 2. That the limits of said town shall include all the territory within a radius of one-half of a mile from the centre of the Lytle's Fork bridge, and no more.

§ 3. That B. F. McClain, C. D. Murrell, N. D. Redding and R. M. Warnock are empowered to act as trustees of said town until trustees can be elected and qualified as provided for in said chapter one hundred and seven.

§ 4. That said town may elect a police judge and marshal, whose qualifications, jurisdictions and liabilities shall be the same as that of justices of the peace and constables.

§ 5. That the terms of office of said police judge and marshal shall be two years from the date of their election.

§ 6. That this act shall take effect from and after its passage.

Approved February 13, 1890.

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#### CHAPTER 164.

AN ACT to amend an act, entitled "An act to authorize the court of levy and claims of Menefee county to levy an ad valorem tax for county purposes," approved March twenty-fourth, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to authorize the court of levy and claims of Menefee county to levy an ad valorem tax for county purposes," be, and the same is hereby, amended by striking out of the second section of said act the following words: "*Provided*, The provisions of this act shall not apply to the town of Frenchburg."

§ 2. This act shall take effect from its passage.

Approved February 13, 1890.

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#### CHAPTER 165.

AN ACT to amend the charter of the town of Sandy Hook, in Elliott county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the charter of the town of Sandy Hook, in Elliott county, be so amended as to provide that when, from any cause, the office of police judge of said town becomes vacant, said vacancy shall be filled



by appointment, made by the Governor, until the next regular election for police judge in said town, and until the successor then chosen shall qualify.

§ 2. This act shall take effect from its passage.

Approved February 18, 1890.

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## CHAPTER 166.

AN ACT to authorize the city of Dayton, in Campbell county, to issue bonds and fund her present indebtedness.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the city council of the city of Dayton are Empowered to issue bonds. authorized and empowered to issue the bonds of said city to any amount not exceeding in the aggregate the sum of one hundred and fifty thousand dollars. Said bonds, or their proceeds, are to be used exclusively, and for no other purpose, than to pay off and fund the present outstanding bonds and bonded indebtedness and bank and outstanding notes and matured coupons of said city.

§ 2. Said bonds shall be of the denomination of one Denominations. hundred, two hundred and five hundred dollars each ; they shall be numbered serially as they are issued, commencing with the number one ; they shall be made payable twenty years after their date, with the option upon the part of said city to pay them at any time after five years from their date, bearing interest from date at the rate of six per cent. per annum, payable semi-annually ; the interest, as it matures, and the principal when due, to be made payable at such place as said common council may cause to be designated in said bonds. Interest coupons shall be attached for each semi-annual installment of interest, the coupons of each bond to be numbered serially from one to forty, inclusive, and each coupon to bear the serial number of the bond to which it is attached ;

each of said bonds shall be signed by the president of the city council of said city, and countersigned by the city clerk, and shall have the seal of the city affixed thereto; each of said interest coupons shall have the name and official designation of the city clerk lithographed thereon. Said bonds and coupons shall be made payable to bearer, shall pass by delivery, and when issued and disposed of, as hereinafter provided for, shall have the force and effect and be placed upon the same footing as bills of exchange.

Board of commissioners.

§ 3. Said bonds when prepared, or portions of them from time to time, may be placed by the city council in the possession of a board of commissioners, to consist of the president of the city council, city treasurer and city clerk of the city of Dayton; and said board shall have the right to dispose of them, or any part of them, at not less than their par value, and with the proceeds to pay off and redeem any of the present outstanding bonds or bank debt, and outstanding notes of said city, upon such terms as the said board may determine, or they may exchange any of said bonds at not less than their par value, for any of the present outstanding bonds of said city, upon such terms as said board may determine; but in no event shall a greater amount be paid or allowed in exchange for any of the present outstanding bonds of said city than their par value.

Quarterly reports.

§ 4. The said board of commissioners shall report quarterly, and oftener if required, to the city council the number and amount of bonds disposed of by them, and the number, amount and character of outstanding bonds paid or taken in exchange; and they shall deliver to said city council the bonds so paid or taken in exchange by them, and the same shall be canceled and destroyed. The city council shall cause to be kept an accurate record of all said matters, so that it may at all times appear what number and amount of bonds have been issued under this act,

and what number, amount and character of bonds have been paid or taken in exchange and canceled.

§ 5. Any person who shall use or appropriate, or be <sup>Penalties.</sup> a party to the use or appropriation of any of the bonds herein mentioned, or any part of their proceeds, otherwise than in the manner and for the purpose herein authorized and directed, shall be deemed guilty of embezzlement, and, upon conviction, shall be punished as provided by statute in cases of embezzlement.

§ 6. This act shall be in force from and after its passage.

Approved February 18, 1890.

## CHAPTER 167.

AN ACT to establish a board of commissioners for Owen county, and to define their duties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That there shall be established in Owen county a tribunal, to be styled the board of commissioners of Owen county, which shall consist of five members, namely : The county judge and county clerk ex officio, and three additional members, who shall be elected <sup>Board established.</sup> by the qualified voters of Owen county on the first Monday in August, one thousand eight hundred and ninety. The comparison of the vote and certificate of election shall be made as provided in cases of election <sup>Election.</sup> of county officers ; but no person shall be eligible as one of the three election members of said board who is at the time a civil officer, or who is not at the time of the election a citizen of the county and of the age of thirty-five years. After the first election the persons so elected shall, on the first Monday in September, one thousand eight hundred and ninety, qualify and enter upon the discharge of their duties by severally

taking the constitutional oath and executing bond in the county court in the sum of five thousand dollars each for the faithful discharge and performance of their duties.

Contested elections.

§ 2. Contested elections of said commissioners shall be tried and determined in the same manner and by the same board as is authorized by law for that of county judge.

Term of office.

§ 3. The term of office of said commissioners first elected shall be one for three years, one for two years, and one for one year; and at their first meeting, which shall be on the Tuesday after the fourth Monday in October, one thousand eight hundred and ninety, they shall determine by lot which shall serve the respective terms, which determination and decision shall be noted of record on the order-book of the Owen County Court, and in which determination said three commissioners shall alone have the right to vote; and at each succeeding August election thereafter there shall be one commissioner elected, whose term of office shall be three years, to take the place of the one whose term of office shall expire; and if, at any time, a vacancy shall occur, the other commissioners or commissioner shall fill said vacancy by appointment until the next August election, when one shall be elected to fill the said vacancy: *Provided*, That when any such vacancy shall occur within eight days of the August election the appointment shall be made until the next succeeding August election thereafter.

Meetings.

§ 4. Said board of commissioners shall meet on the Tuesdays after the fourth Monday in October and January of each year, and as often otherwise as the county judge may direct their assembling together, upon ten days' notice previous to any regular term of the Owen County Court.

Ex officio chairman.

§ 5. The county judge of Owen county shall be ex officio chairman of said board, and shall preside at all the sittings of said board, and the county

clerk of said county shall be the clerk of said board, and all the orders and proceedings thereof shall be entered upon the order-book of the Owen County Court, and the clerk of said court is hereby authorized to procure all needful record-books, in which he shall keep a full and detailed record of all proceedings of any and all meetings of any or all of said commissioners; and he shall keep said books fully and carefully indexed, and preserved among the records of Owen county at the clerk's office in said county; said books to be paid for out of the county levy upon the order of said board.

§ 6. Said board shall have power to adjourn from time to time to such times as to them may seem expedient.

§ 7. The per diem of the board of commissioners shall not exceed three dollars each for each day necessarily spent in the transaction of business, to be paid out of the county levy.

§ 8. The sheriff shall, by himself or deputies, attend on said board and execute all its process, and shall be allowed fees therefor, as now allowed by law for such services in the county court, which shall be paid out of the county levy. Duties of sheriff.

§ 9. The said board of commissioners shall have exclusive original jurisdiction in the same manner, and to the full extent and authority to exercise all powers and transact any and all business heretofore transacted by the court of claims of Owen county; and said court is hereby abolished, and it shall be governed by and subject to the same laws and penalties; and all acts and parts of acts creating a court of claims for said county are now repealed. Jurisdiction.

§ 10. The said board of commissioners shall have no power to pass any order or resolution for the appropriation of any money unless by a majority vote of said board.

§ 11. This act shall take effect from its passage.

Approved February 14, 1890.

## CHAPTER 168.

AN ACT to incorporate the Fox Creek and Mercer County Turnpike Road Company, in Anderson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That a company be, and the same is hereby, created a body-politic and corporate, under the name and style of the Fox Creek and Mercer County Turnpike Road Company, in Anderson county, Kentucky; and by that name and style shall have perpetual succession, and the power to contract and be contracted with, sue and be sued, plead and be impleaded, have and use a common seal, and all other powers given by the general law to turnpike road companies.

§ 2. That said company is hereby empowered to construct a turnpike road on the macadamized plan from a point on the Fox Creek and Washington County Turnpike Road, at or near the residence of Alexander Hicks, in Anderson county, by the most practicable route to the Mercer county line, at or near Joseph Morris' cooper-shop; that books for the subscription of stock shall be opened at the store-house of H. C. Melear, in the town of Fox Creek, Anderson county, Kentucky, under the direction of Alexander Hicks, Thomas Carter, W. D. Utterback, W. C. Sale and W. P. Cox. The capital stock of said company shall not exceed ten thousand dollars, and divided into shares of twenty-five dollars each; and when two thousand dollars of the capital stock are subscribed for, the parties in charge of the books shall call a meeting of the subscribers for election of such directors and other officers as the stockholders may deem expedient.

§ 3. That the county judge of Anderson county shall be authorized to subscribe in said turnpike company, in the name of Anderson county, to an amount not exceeding one thousand dollars for each mile in

length of said road, and shall be governed in making said subscription, and levying and collecting the tax to pay the same, by the provisions of an act authorizing the county of Anderson to take and hold stock in certain roads in said county, approved March tenth, one thousand eight hundred and fifty-four; and said act, so far as the same is applicable and not inconsistent with the provisions of this act, is made part hereof.

§ 4. The width and grade of said road shall be determined by the president and directors of said company, as also that portion to be covered with metal or stone, and the thickness thereof, and the president and directors shall determine when and in what manner said road, or any part thereof, shall be let out for construction.

§ 5. That when said road is completed they shall have power to establish a toll-gate, and shall charge toll at the rate now provided by law in that proportion per mile as provided by law, and no law heretofore enacted shall preclude the county court from taking stock in said road on account of the length of said road being less than five miles.

§ 6. This act shall take effect from its passage.

Approved February 14, 1890.

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## CHAPTER 169.

AN ACT to amend an act, entitled "An act to consolidate and reduce into one the several acts in relation to the town of Taylorsville."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section twenty-two of an act, entitled "An act to consolidate and reduce into one the several acts in relation to the town of Taylorsville," approved March fifteenth, one thousand eight hundred and eighty-six, be, and the same is hereby, amended

by adding thereto the following: The office of marshal is hereby declared not to be incompatible with the office of constable of the Taylorsville magisterial district.

§ 2. This act to take effect from its passage.

Approved February 14, 1890.

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## CHAPTER 170.

AN ACT to provide and establish an additional voting place in the Fifth, known as the Bayou Precinct, in McCracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an additional voting place be, and the same is hereby, provided and established in the Fifth, known as the Bayou Precinct, in McCracken county, at Ragland, in said precinct, and said voting place shall be bounded as follows to-wit: Beginning at the mouth of Red Stone creek, at the line between Ballard and McCracken counties on the Ohio river; thence with said county line to J. Parker's farm, leaving him to vote at Woodville; thence eastward to Mrs. Minnie Rudolph's farm, on the Bayou creek; thence with said creek to the Ohio river; thence down the river to the mouth of said creek. That all voters living within said boundaries shall vote at the voting place at Ragland.

§ 2. That all acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved February 14, 1890.



## CHAPTER 173.

AN ACT for the benefit of the East End Improvement Company.

WHEREAS, On the sixth day of August, one thousand eight hundred and eighty-seven, articles of incorporation were filed in the Jefferson County Court, signed and acknowledged by Jacob Krieger, Senior, Dennis Long, Joseph Huffaker, J. W. Baird and H. A. Bell, which said articles are in words and figures following, namely :

KNOW ALL MEN BY THESE PRESENTS, That Jacob Krieger, Sr., Dennis Long, Joseph Huffaker, J. W. Baird and Henry A. Bell, as incorporators, have formed an incorporated company under the provisions of chapter fifty-six of the General Statutes of the State of Kentucky, and have adopted the following articles of incorporation :

*First.* The name of said company is the "East End Improvement Company," and its principal place of business shall be at Louisville, Kentucky.

*Second.* The general nature of the business of said company is to be the buying, selling, holding, leasing and improving of real estate.

*Third.* The authorized capital stock of the company is five hundred thousand dollars, divided into shares of one hundred dollars, to be paid up as called for by the directors, or in accordance with the terms of subscription therefor. The company may commence business when stock to the amount of twenty-five thousand dollars is subscribed for. The company may, and it is contemplated that it will, issue fully paid-up stock in such amount as may be agreed upon in payment for real estate, or interests in real estate, that may be acquired by it, and no officer, directors, incorporator or stockholder shall, by reason of his interest in or connection with the company, be disqualified from dealing with the company, and acquiring capital stock in payment for real estate or other property sold or leased to the company by him.

*Fourth.* The company commences its existence as of the date hereof, and shall continue its existence for twenty-five years.

*Fifth.* The highest amount of indebtedness or liability to which the company shall at any time subject itself, shall be a sum equal to two-thirds of the capital stock issued.

*Sixth.* The affairs of the company shall be conducted by a board of five directors, to be elected annually, on the first Monday in June; but the incorporators shall act as a board of directors until the annual election in one thousand eight hundred and eighty-eight. The directors shall annually elect a president from among their number, and shall also elect a secretary and treasurer, both of which offices may be held by the same person.

*Seventh.* The private property of the stockholders shall be exempt from the payment of the corporate debts.

Witness our hands this sixth day of August, one thousand eight hundred and eighty-seven.

JACOB KRIEGER, SR.,  
DENNIS LONG,  
J. W. BAIRD,  
H. A. BELL,  
JOSEPH HUFFAKER.

AND WHEREAS, Said company organized under said original articles, and afterwards amended the same, which said amendment is in the words and figures following, namely: The undersigned stockholders of the East End Improvement Company, and subscribers to its original articles of incorporation, filed and recorded in the Jefferson County Court, and which were executed on the sixth day of August, one thousand eight hundred and eighty-seven, desiring to enlarge the powers of the said company, and to increase its capital, do hereby agree to the following amendments and alterations of the existing articles of incorporation:

*First.* The board of directors may be increased to any number not exceeding ten, by a vote of a majority in interest of the stockholders.

*Second.* The company shall have the power to contract with any railroad, bridge, turnpike, canal, or other improvement company, to construct its road, bridge, canal, or other work, and to furnish to any such company the necessary or convenient terminal facilities, rights and privileges, and to purchase and improve land therefor.

*Third.* The company shall have the power to subscribe for, receive, hold, sell, or dispose of the bonds, stocks or other securities of any of the companies named in the second section hereof, and the right and power to receive from any of such companies their bonds or stock in consideration for the services performed or to be performed by them, and as owners of such stock to exercise all the rights and privileges to which the stockholders are entitled in respect of voting at stockholders' meetings of such companies.

*Fourth.* The capital stock of said company may be increased by a majority vote of the stockholders to any sum not exceeding one million five hundred thousand dollars. The stock shall, as heretofore, be divided into shares of one hundred dollars each.

*Fifth.* The directors of the company shall have the power to make by-laws for the government of the corporation, provided the same do not conflict with the Constitution or laws of the United States or of the State of Kentucky, or with these articles.

*Sixth.* The stockholders of this corporation may at all stockholders' meetings vote by proxy. The directors may, by by-law, regulate the form and mode of authentication of such proxies.

*Seventh.* The corporation shall have the power and capacity to buy, hold, sell and convey any real or personal estate necessary or convenient to the exercise of the above-amended powers.

*Eighth.* The indebtedness or liability of the corpo-

ration shall never at any time exceed one million of dollars.

*Ninth.* The private property of the stockholders shall be exempt from the corporate debts.

Given under our hand this sixth day of July, one thousand eight hundred and eighty-nine.

JACOB KRIEGER, SR.,  
DENNIS LONG,  
W. H. MAY,  
H. A. BELL,  
JOSEPH HUFFAKER,  
J. W. BAIRD,  
E. RICHARDSON.

AND WHEREAS, Said incorporators desire to have the legality of their said corporation recognized by the General Assembly of this Commonwealth; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Incorporated. § 1. That the East End Improvement Company is hereby declared a body-politic and corporate, with perpetual succession, and shall at all times have and exercise the rights, powers and privileges specified in its original and amended articles of incorporation, now on record in the Jefferson county clerk's office, and in the office of the Secretary of State, and recited in the preamble of this act.

Pow. rs. § 2. Said corporation shall have full power and authority to construct, erect and build the bridge across the Ohio river, between the city of Louisville, in Kentucky, and the city of Jeffersonville, in the State of Indiana, which the Louisville and Jeffersonville Bridge Company, a corporation created by this General Assembly by act approved February twentieth, one thousand eight hundred and eighty-eight, is authorized to build, so far as the said East End Improvement Company may have heretofore, or may hereafter, be thereunto authorized by contract between it and said bridge company: *Provided*, That

it is the intention, by the conference of the authority hereby granted, merely to authorize and empower the East End Improvement Company to execute its contract made with said bridge company to build and construct said bridge for and in its behalf.

§ 3. The said East End Improvement Company shall have power and authority to acquire, by purchase, all necessary lands for the right of way of said bridge, and all its connections with railroad companies, and to make and construct railway tracks for said connections, and for depots and other grounds necessary or convenient for the use of said bridge company, and to erect thereon convenient and proper structures for the use of said bridge company, and the same to convey to the said bridge company in execution of a contract to that effect heretofore made, which is hereby ratified and approved.

§ 4. The said company shall have power to acquire, hold and sell the stock of any railroad company which has power and authority to enter the corporate limits of the city of Louisville, or which may be hereafter authorized so to do; and said company shall also have power to purchase and own the lands necessary or convenient for the tracks of said company or companies, from the city limits to a connection with the Louisville and Jeffersonville bridge, within the limits of said city, and to sell or lease said tracks to the said company or companies, and to receive in pay therefor the bonds or stocks thereof, on such terms as may be agreed upon.

§ 5. And said company shall have power in addition to the power conferred by its original and amended articles, to incur debts, to borrow any sum of money not exceeding one million of dollars, which it shall secure by a mortgage on its real estate, and which indebtedness shall be evidenced by the bonds of the company, issued under its corporate seal, and attested by its president and secre-

tary. Said bonds shall be payable to the Masonic Savings Bank of Louisville, or bearer, and shall be negotiable and pass by delivery, and shall have semi-annual interest coupons attached thereto, and shall run for any period not exceeding thirty years, and bear interest at any rate not exceeding six per cent., payable in semi annual installments.

§ 6. This act shall take effect from and after its passage.

Approved February 14, 1890.

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## CHAPTER 174.

AN ACT to incorporate the Three States Banking and Trust Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Capital stock.

§ 1. That there is established a savings and deposit bank and trust company in the town of Middlesborough, Bell county, Kentucky, with a capital of two hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified ; and the subscribers, their associates, successors and assigns shall be a body-politic and corporate, by the name and style of "Three States Banking and Trust Company," and shall so continue for fifty years from its organization ; but the board of directors of said company are authorized and empowered to reduce the capital stock, or to wind up its affairs whenever the owners of two thirds of the stock determine that the interest of the corporation requires its reduction or discontinuance ; and to effect either, the board shall have all powers necessary to reduce the capital stock, or to wind up and liquidate the affairs of said corporation on equitable principles : *Provided*, That said reduction or dissolution shall not prejudice the rights of any existing creditors of said corporation.

§ 2. Said corporation shall have all the rights and privileges of the Fidelity Trust and Safety Vault Company of Louisville, Kentucky, and of a natural person in contracting and being contracted with, in suing and being sued, and of impleading, answering and defending in all courts and places whatever. Said corporation may have and use a common seal, and change the same at pleasure, and will have all the powers and privileges granted to the Fidelity Trust and Safety Vault Company of Louisville, Kentucky, and will be under the same penalties that said company is under.

§ 3. Said corporation shall be under the control of five directors, who shall be stockholders, residing in the State, each of whom shall own, in his own right and name, at least twenty shares of stock, on all the calls of which payment shall have been made, and after the first annual election shall have owned his stock at least six months before his election; and they shall hold their office until their successors are elected and qualified; and after the first election shall be elected the first Monday in January of each year, or so soon thereafter as practicably convenient; and in case of a vacancy, the remaining directors shall have the power to appoint a qualified stockholder to fill it. They shall elect one of their number president, who shall preside at their meetings and perform such other duties as may be assigned him by this charter and their by-laws. They shall have power to sell any of the stock unsold; to declare dividends arising out of the business of said corporation; to appoint such officers, agents and employes as they may deem necessary to conduct the business of said corporation, and contract with and pay them for their services; to take from the president, cashier and other employes such bond as they may deem proper and reasonable to secure a faithful performance of their respective duties, and to make such by-laws as they may deem necessary for the proper management of the affairs of

Same powers as  
Fidelity Trust  
and Safety Vault  
Company.

Board [of, direc-  
tors.

President.

Stock & personal  
property.

the corporation : *Provided*, The same be not contrary to the Constitution and laws of the State and of the United States. The stock shall be deemed to be personal property, and shall be transferable only on the books of the corporation by the stockholders, his agent or attorney, and under such rules and regulations as the directors may from time to time establish ; but the corporation shall have prior lien on the stock as security for any debt owing it.

Incorporators.

§ 4. That M. C. Alford, O. V. Riley, John G. Fitzpatrick, J. W. Browning, William Mitchell, James F. Slusher, E. H. Patterson, Jake Slusher, R. A. Mitchell, E. S. Jameson and L. T. Chiles are hereby appointed commissioners, any six of whom may open books in the town of Middlesborough, Kentucky, or Mount Sterling, Kentucky, and receive subscriptions for the capital stock of said corporation ; and when one-half of said capital shall have been subscribed, it shall be their duty to give notice, verbal or written, to the stockholders, and appoint a day for the election of directors ; and the directors elected on the day so appointed shall hold their office until the annual election in January, one thousand eight hundred and ninety-one. The payment of shares subscribed for shall be as follows : Fifty dollars on each share on the day of the first election of directors as herein provided, and the remainder in such amounts and at such times as the directors may require : *Provided*, That no one call shall be for more than fifteen dollars, after the first call on the share, and at a shorter notice than thirty days ; and said corporation shall commence business when one hundred thousand dollars shall be paid in as capital.

Subscriptions.

§ 5. Any subscriber of stock who shall fail to pay fifty dollars on each share subscribed on the day designated in the notice named in the last preceding section for the election of first board of directors, shall cease to be stockholders, and the stock subscribed by them may be subscribed for by others



under the direction of the person or persons who received the original subscription; and in case any subscriber shall fail to pay any call made by the board of directors for the unpaid balance of his subscription, and remain in default thirty days, the board may, in its discretion, forfeit his stock for the benefit of the company upon the company refunding to him the value of his stock. In any election under this charter each stockholder shall be entitled to one vote for each share of stock: *Provided*, That no subscriber of stock shall be entitled to vote on any share of stock on a call of payment of which he shall be in arrears, and this shall apply to the first election of directors under this charter as well as any subsequent election; and no person shall be eligible to the office of director who has not, at the first election, paid fifty dollars on the share of stock subscribed by him at the time of said election.

§ 6. All elections under this charter shall be held Elections.  
at the office of the corporation, in such mode as the directors may provide in the by-laws. Stockholders not present may vote by proxy, and a majority of the board of directors shall form a quorum for the transaction of business.

§ 7. Said corporation may receive deposits of gold Receive deposits,  
and silver coin, bank notes and other notes that may be lawfully circulating as money, and repay same in such manner, at such times as may be agreed on with the depositors, by special or general contract; may deal in the loaning of money; may buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, mortgages, gold and silver coin, securities of any kind, and any evidence of debt whatever; take personal and other security for the payment of same, and dispose of such stocks and bonds as may be agreed upon by the parties as a natural person, and pass a valid title to same; and may do a general banking business, except only it shall not have power to issue notes of its own for circula-

tion. All promissory notes and bills of exchange made payable and negotiable at its office or banking house, or any bank incorporated under any law of the Commonwealth, or organized in this Commonwealth under any of the laws of the United States when discounted by this corporation, shall be, and are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon jointly and severally, against the makers, drawers and indorsers.

Securities.

§ 8. Said corporation may make advances on, and receive in pledge for, money loaned or debts due it, securities of any kind, goods, wares and merchandise, upon the agricultural, mechanical or other products, including growing crops and produce of the country, and may sell the same on the non-payment of the debt or demand according to the terms agreed upon between the parties by written contract at the time of creation of the debt; but before the sale or disposal of any of the property, pledges or securities mentioned in this charter, the party making the same or depositing the pledge shall have ten days' notice in writing, if a resident of this State, or if not a resident, the company, before proceeding to sell or dispose of the property, or pledge or security, shall cause notice to be inserted in some newspaper published in the county, for at least twenty days; but nothing in this act shall be construed to confer power or authority on said corporation to sell or dispose of real estate, or any interest therein, so given in pledge or security, otherwise than by regular judicial proceedings.

Certificates of stock.

§ 9. No certificate of stock shall be issued under this charter until the shares of stock subscribed for shall be paid in full. Upon payment of calls on stock, entries shall be made in a book kept for that purpose, and receipts executed to the subscriber for the amount paid, signed by the president and cashier.

§ 10. Said corporation may acquire, hold and use

such real estate, goods and chattels, as may be Real estate.  
necessary for the transaction of its business, or  
which may be conveyed to it as security for any  
debt, or purchased in satisfaction of any debt, judg-  
ment or decree, and sell and convey the same; but  
when it purchases real estate in satisfaction of any  
judgment, or payment of any debt due it, it shall  
hold the same not longer than five years, and may  
sell its own stock in payment of a debt, judgment or  
decree, but shall resell the same as soon as practi-  
cally convenient. A conveyance duly executed by  
the president shall pass the title of said corporation  
in any real estate it may want to dispose of.

11. Said corporation may receive deposits from Deposits from  
minors, etc.  
minors and married women, and the receipts and ac-  
countances of such minors and married women shall  
be valid.

12. Every stockholder shall be individually liable Liability.  
to the creditors of the corporation to the full amount  
of the stock subscribed for and owned by him, but  
when the same shall have been paid for in full, then  
no further individual liability attaches to the said  
stockholders.

13. It shall not be lawful for the president or di- Officers not to  
become surety.  
rectors to become surety or accommodation indorsers  
of any note or bill discounted by said company or  
corporation.

14. No agreement, contract, obligation, or deed or  
other writing shall be invalid for want of the seal  
herein provided for, if the same be regular and legal  
in other respects.

15. The president, directors and other officers of Oath.  
said corporation, before entering on the discharge of  
their duties, shall take an oath before some justice of  
the peace, notary public, or other officer authorized  
by law to administer oaths, faithfully, honestly, and  
to the best of their skill and judgment, to discharge  
their duties in their respective offices and stations,  
under this charter, or which may be required of them

tion. All promissory notes and bills of exchange made payable and negotiable at its office or banking-house, or any bank incorporated under any law of the Commonwealth, or organized in this Commonwealth under any of the laws of the United States, when discounted by this corporation, shall be, and are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the makers, drawers and indorsers.

Securities.

§ 8. Said corporation may make advances on, and receive in pledge for, money loaned or debts due it, securities of any kind, goods, wares and merchandise, upon the agricultural, mechanical or other products, including growing crops and produce of the country, and may sell the same on the non-payment of the debt or demand according to the terms agreed upon between the parties by written contract at the time of creation of the debt; but before the sale or disposal of any of the property, pledges or securities mentioned in this charter, the party making the same or depositing the pledge shall have ten days' notice, in writing, if a resident of this State, or if not a resident, the company, before proceeding to sell or dispose of the property, or pledge or security, shall cause notice to be inserted in some newspaper published in the county, for at least twenty days; but nothing in this act shall be construed to confer power or authority on said corporation to sell or dispose of real estate, or any interest therein, so given in pledge or security, otherwise than by regular judicial proceedings.

Certificates of  
stock.

§ 9. No certificate of stock shall be issued under this charter until the shares of stock subscribed for shall be paid in full. Upon payment of calls on stock, entries shall be made in a book kept for that purpose, and receipts executed to the subscriber for the amount paid, signed by the president and cashier.

§ 10. Said corporation may acquire, hold and use

all such real estate, goods and chattels, as may be Real estate. necessary for the transaction of its business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same; but when it purchases real estate in satisfaction of any judgment, or payment of any debt due it, it shall hold the same not longer than five years, and may buy its own stock in payment of a debt, judgment or decree, but shall resell the same as soon as practically convenient. A conveyance duly executed by the president shall pass the title of said corporation to any real estate it may want to dispose of.

§ 11. Said corporation may receive deposits from Deposits from minors, etc. minors and married women, and the receipts and acquittances of such minors and married women shall be valid.

§ 12. Every stockholder shall be individually liable Liability. to the creditors of the corporation to the full amount of the stock subscribed for and owned by him, but when the same shall have been paid for in full, then no further individual liability attaches to the said stockholders.

§ 13. It shall not be lawful for the president or directors to become surety or accommodation indorsers on any note or bill discounted by said company or corporation. Officers not to become surety.

§ 14. No agreement, contract, obligation, or deed or other writing shall be invalid for want of the seal herein provided for, if the same be regular and legal in other respects.

§ 15. The president, directors and other officers of Oath. said corporation, before entering on the discharge of their duties, shall take an oath before some justice of the peace, notary public, or other officer authorized by law to administer oaths, faithfully, honestly, and to the best of their skill and judgment, to discharge all their duties in their respective offices and stations, under this charter, or which may be required of them

by the by-laws, rules and regulations of the corporation, and that they will not, during their continuance in office, sanction or permit any of the provisions of this charter to be violated; and should any occur without their concurrence, that they will immediately report the same to the Attorney-General of this Commonwealth.

May act as  
guardian, etc.

§ 16. Said corporation may be appointed and may act as guardian for infants, as executors or administrators or committee for idiots or lunatics, as receiver, assignee or other trustee, whether appointed by deed, by last will and testament, by any court within this Commonwealth, or in any other manner not inconsistent with law. It may receive and hold in trust estate, real and personal, including the notes, bonds, obligations and account of estates and individuals, of companies and corporations, private or public; and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estate, receiving and collecting rents and other moneys, in the issuing and countersigning certificates of stocks, bonds or other obligations of any corporation or municipality, State or public authority, and may receive and manage any sinking fund therefor, and may accept and execute and guarantee all such trusts of every description, not inconsistent with the laws of this State, as may be committed to it by any person or by any corporation, or by any court of record of this State. It shall have a trust department, and all of its business of a fiduciary character shall be kept in a separate and special set of books.

Make annual  
statement.

§ 17. It shall be the duty of the corporation, through its president and cashier, to make a detailed statement annually (or oftener if so required), to such court or courts as may have committed any trust or trusts to said corporation of all investments or loans

of said funds, together with a statement, as near as practicable, of the value of the estates and property so committed by said court to said company, which statement shall be verified by the oath of one of said officers; and the said trust fund, and all the loans and securities thereof in the possession of the said corporation, shall be primarily liable for the obligations of said corporation as executor, administrator, guardian, receiver, assignee or trustee in any other capacity, and shall not be liable for any other debt or obligation of the company until all its obligations, in regard to its trusts as aforesaid, shall have first been duly met and discharged. Said corporation shall keep a complete set of books, showing receipts and disbursements of money, and giving a full and correct account of all its transactions in each and all of the trusts committed to its care, which books shall be open to the inspection of the courts committing such trusts to its care, and to the parties in interest at such times as said court may direct. Keep books.

§ 18. The capital of said corporation shall be taken and considered as the security required by law for the faithful performance of its duties, and other security shall not be required upon its appointment to any of the offices or duties mentioned herein, except when required by the courts or by parties in interest, but any court having jurisdiction to make or approve such appointments shall have power, before making or approving the same, and at any time thereafter, to examine the officers of the company, under oath or affirmation, as to the security aforesaid and the amount and extent of its fiducial and other liabilities, and, if deemed advisable by said court or courts, to appoint a suitable person to investigate the affairs and management of the said corporation, who shall report to such court the manner in which its capital and funds are invested, and the security offered to those by or for whom its engagements are held, the expense of such investigation, to be paid by said company. Capital stock taken as surety.

§ 19. In the exercise by said corporation of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty imposed by the courts, or otherwise committed to said corporation, it shall be subject to the same duties and responsibilities, and shall have the same powers and receive the same compensation as may be fixed by law with relation to individuals holding similar offices or trusts, except as herein otherwise specially provided; the exercise of other powers and the performance of other duties by said corporation, may be, as to compensation and otherwise, matters of contract with the parties interested.

Responsibilities.

§ 20. Said corporation shall at no time incur indebtedness or liability exceeding the capital stock paid in, except deposits made with said corporation.

§ 21. The directors may increase the capital stock from time to time as the interest of the corporation may demand, not to exceed one million dollars.

§ 22. The General Assembly at all times shall have the right to examine the affairs of the corporation by a committee appointed for that purpose, and may alter or amend their charter at pleasure.

§ 23. Each stockholder or subscriber, or the assignee of either, shall be individually liable to the creditors of this corporation for the full amount of their unpaid subscription to the capital stock of this corporation.

§ 24. This act shall take effect and be in force from and after its passage.

Approved February 14, 1890.



## CHAPTER 175.

AN ACT to amend an act, entitled "An act to incorporate the Home and Savings Fund Company of Louisville," dated April second, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section three of said act be, and the same is hereby, amended by striking out the word "thirteen," in the second line, and inserting in lieu thereof the word "nineteen."

§ 2. That section seven of said act is amended by striking out the words "a majority of said board," in the fourth line, and inserting in lieu thereof the words "seven members of the board of directors."

§ 3. That section eight of said act is amended by striking out the words and figures "two million (\$2,000,000)" in the second line, and inserting in lieu thereof the words and figures "five million (\$5,000,000)," and by striking out the word "twenty," also in the second line, and inserting in lieu thereof the word "fifty."

§ 4. That section fifteen of said act is amended by adding thereto the following: "*Provided, however,* That this company may issue twenty-year debenture bonds, bearing interest at not exceeding six per centum per annum, but which may be redeemed at any time after five years at the option of this company. This company may also issue debenture scrip, bearing interest at not exceeding four per centum per annum, payable after three years, at the option of this company, or the same may be exchanged for debenture bonds at any time upon presentation in sums of one hundred dollars or any multiple thereof. The payment of said debenture bonds and scrip shall be secured by placing as a pledge, in the hands of a trustee for that purpose, the mortgages owned by this company in value double the amount of such debenture bonds and scrip."

tures issued. The proceeds of such debentures are to be loaned out to the stockholders of the company, under its rules, for the sole purpose of building homes, or to pay off mortgages or other incumbrances thereon. The holders of such debentures, however, shall not be bound to look to the application of said proceeds."

§ 5. This act shall take effect from its passage.

[Became a law February 14, 1890, without approval of the Governor.]

## CHAPTER 176.

AN ACT for the benefit of Hugh Pryor, of Newport, Kentucky.

WHEREAS, James Norton, a pauper idiot, duly adjudged in the Campbell Circuit Court, and T. P. Makebben, appointed as his committee; and whereas, said committee had Hugh Pryor, of Newport, to furnish said idiot the necessaries of life, not exceeding the rate of six dollars and twenty-five cents per month, or seventy-five dollars per annum, and omitted to have the allowance for the year ending November thirtieth, one thousand eight hundred and eighty-seven, made by the court; and whereas, said committee died April twenty-fourth, one thousand eight hundred and eighty-eight, and said idiot June first, one thousand eight hundred and eighty-eight, and the circuit court can not now make the allowance therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Hugh Pryor, of Newport, Kentucky, be, and he is hereby, allowed the sum of one hundred and twelve dollars and fifty-five cents for keeping James Norton, pauper idiot, from November thirtieth, one thousand eight hundred and eighty-six, to

June first, one thousand eight hundred and eighty-eight, and the Auditor will draw his warrant on the Treasurer in favor of said Pryor for said sum.

§ 2. This act shall be in force from its passage.

[Became a law February 15, 1890, without approval of the Governor.]

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## CHAPTER 177.

AN ACT for the benefit of W. H. Brown, of Cumberland county.

WHEREAS, Emmett E. Anderson, of Cumberland county, has been adjudged, by the circuit court of said county, an idiot, without estate for his support; and whereas, W. H. Brown was, on the — day of —, one thousand eight hundred and eighty—, appointed his committee, and an allowance of seventy-five dollars per annum to be paid said committee out of the State Treasury for the support of said idiot; and whereas, five years having expired, at the December term of the Cumberland Circuit Court, one thousand eight hundred and eighty-seven, another inquest was held, and that, because of an error in the judgment, the Auditor of Public Accounts refused to pay said allowance; and whereas, a period of six months elapsed before the error in said judgment could be corrected, during which time the said W. H. Brown expended the sum of thirty-seven dollars and fifty cents for the benefit of the said Anderson; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant on the State Treasurer in favor of the said W. H. Brown for the sum of thirty-seven dollars and fifty cents, the same being at the rate of seventy-five dollars per annum from December term of the Cumberland Circuit Court, one thousand eight hundred and eighty-seven, until the

June term thereof, one thousand eight hundred and eighty-eight, the date of the renewal of the inquest the same to be paid out of any money in the State Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

[Became a law February 15, 1890, without the approval of the Governor.]

## CHAPTER 178.

AN ACT incorporating the Supreme Circle, National Fraternal Union.

WHEREAS, Certain persons, citizens of Kentucky, and of other States, have united and formed a corporation for the mutual benefit and advancement of the members thereof; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That B. Michener Graves, J. M. Kirtley, H. B. Wells, L. E. Casey, Lee H. Brooks, S. L. Miner, D. Alanson Phelps, A. R. Mullins, John B. Peaslee, F. M. Dillie, J. T. Wallingford, M. D., John R. Coppin and Marion Grubbs, and their successors, be and they hereby are, created a body-politic and corporate, to be known by the name, style and title of the Supreme Circle, National Fraternal Union; and by such name, style and title shall have perpetual succession, and be capable in law of suing and being sued, pleading and being impleaded, and of purchasing, receiving, leasing, holding, granting and conveying by gift, purchase or bequest, in its corporate name, real, personal or mixed property; of instituting district and subordinate circles or lodges as it may see fit, and to make, provide, promulgate and enforce such laws, rules and regulations as it may see fit for its own government and for the government of district or subordinate lodges or circles: *Provided*, That such laws, rules

and regulations shall not be in conflict with the constitution and laws of the United States nor of the Commonwealth of Kentucky.

§ 2. The objects of the said corporation, the Supreme Circle, National Fraternal Union, shall be to unite in the bonds of advancement, protection and fraternity all white males of acceptable age and health, steady habits, reputable calling and good moral character; to improve the condition of its membership by instructive lessons, pleasant entertainments, judicious counsel and timely aid; to establish two separate benefit funds, one to provide living benefits for members in case of sickness, accident or permanent disability; also for payment of the balance due on each certificate of two hundred dollars, four hundred dollars, six hundred dollars, eight hundred dollars, one thousand dollars, at maturity or in event of death of the person to whom such certificate has been issued. The other benefit fund to be called the death benefit fund, wherein each beneficial member may provide an amount of one thousand dollars, two thousand dollars or three thousand dollars for his widow, orphans, heirs, or for the benefit of the person or persons, or institution, in the event of death, as may be named in the certificate; to establish a widows and orphans' fund in connection with the death benefit department; to establish social membership; to establish bureaus of information on tree culture and homestead entries, and in general to benefit and advance the welfare of mankind, and in especial manner the members of the National Fraternal Union.

§ 3. The said Supreme Circle shall have a common seal for each of its departments, and may break, alter or renew the same at pleasure; and may provide for its regular annual, special or called meetings, as may be deemed most convenient and advisable as to time and place. It may provide for the election of such officers as may be deemed requisite, and may require

from them bonds for the faithful performance of their duties in such sums as may be deemed proper; said officers to hold office until the election and qualification of their successors. It shall provide for the election of such officers as may be necessary for the conduct of business in the district or subordinate circles or lodges; shall fix their terms of office, and may require bonds from them for the faithful performance of their duties; and, in general, may make all rules, regulations and laws necessary for the furtherance of the objects of the corporation not inconsistent with this charter nor with the laws of the United States nor of the Commonwealth of Kentucky.

§ 4. The private property of members of the corporation shall be exempt from the payment of the corporate debts.

§ 5. The said Supreme Circle, National Fraternal Union, shall have power to create, hold and disburse the funds of the living and death benefit departments, mentioned in the second section of this act, under such rules, regulations and restrictions as may to it seem right and proper; said funds shall be exempt from execution, attachment or distraint, and shall not be liable to nor subject to seizure, appropriation or payment in law or equity for any debts, dues or obligations of its living or deceased members; and this corporation shall be entitled to the benefit of, and be protected by, the provisions of an act, entitled "An act to exempt certain benevolent and charitable associations from the operation of the general life insurance laws of this Commonwealth," approved March sixth, one thousand eight hundred and seventy-six.

§ 6. This act shall take effect and be in force from and after its passage.

[Became a law February 15, 1890, without approval of the Governor.]

## CHAPTER 179.

AN ACT to repeal an act to regulate the sale of spirituous, vinous or malt liquors in Henry county, approved April thirteenth, one thousand eight hundred and eighty-six, and amendment thereto, approved May seventh, one thousand eight hundred and eighty-six, and to further regulate and make uniform the license and sale of spirituous, vinous or malt liquors, and define the rights of trustees of towns and the county court in reference to license in Henry county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to regulate the sale of spirituous, vinous or malt liquors in Henry county," approved April thirteenth, one thousand eight hundred and eighty-six, and the amendment thereto, approved May the seventh, one thousand eight hundred and eighty-six, be, and the same is hereby, repealed.

§ 2. That cities and towns in Henry county that are authorized by their charters to license the sale of spirituous, vinous or malt liquors, may do so without any reference to the county court, upon presentation to the board of trustees a receipt from the county court clerk, showing that the applicant has paid to him (the clerk) the tax due the State required by law.

§ 3. That when the applicant resides outside of a city or town, or in a town not authorized by its charter to grant license to sell spirituous, vinous or malt liquors, then, in that event, the county court is vested with authority to grant license without reference to any town regulation.

§ 4. That as this act is to regulate and make uniform the license and sale of spirituous, vinous or malt liquors in Henry county, all laws, general or special, heretofore enacted, whether for districts, precincts or county, repugnant to or inconsistent herewith, be, and the same are hereby, repealed: *Provided, however,* This act shall not repeal, as to Henry county,

the general law of the State in regard to the unlawful sale of spirituous, vinous and malt liquors, and penalties prescribed against same, and shall not repeal the general law known as the local option law, approved February twenty-third, one thousand eight hundred and seventy-four.

§ 5. That this act shall be in force and take effect from its passage.

Approved February 12, 1890.

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## CHAPTER 180.

AN ACT to amend an act, entitled "An act to incorporate the Bank of Murray, Calloway county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section two of the act above mentioned be, and is hereby, amended by striking out the word "five," in the second line, after the word "of," and before the word "directors," and insert in lieu thereof, the word "seven."

§ 2. This act to take effect from and after its passage.

Approved February 15, 1890.

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## CHAPTER 181.

AN ACT to incorporate the Hebron Church Cemetery Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That James McCall, J. S. Coke, J. M. Nevans and W. D. Moore be, and they are hereby, created a body-corporate, under the name of the "Hebron Church Cemetery Company;" and in that name shall have power to sue and be sued, to contract



and be contracted with ; to have and use a common seal, ~~and~~ have perpetual succession.

§ 2. They ~~shall~~ have power to acquire land by purchase or otherwise, and when acquired, said land shall be held solely and exclusively for a cemetery, and shall never be used or sold for any other purpose whatsoever.

§ 3. They shall have power to acquire the old cemetery now located at Hebron Church, to be held and used for the purposes set out in the next preceding section, if the acquisition can be made by agreement with the lot-holders and owners of said old cemetery.

§ 4. That said company may take or receive, by gift or otherwise, any land or other property, to be held by it for the purpose of ornamenting, improving or extending the grounds of the company, subject to the restrictions aforesaid.

§ 5. The business of this corporation shall be managed by a board of three or more directors, all of whom must be stockholders in said company. The persons hereinbefore named as corporators shall meet and select three of their number, who shall constitute the first board of directors, and shall continue in office until the first Saturday in January, one thousand eight hundred and ninety-one, and until their successors are elected ; and at which time, and every two years thereafter, the stockholders of this corporation may elect a board of directors, who shall continue in office until their successors are elected. They shall choose a president out of their number, and shall appoint one of their number secretary and treasurer, who shall execute bond in a sum to be fixed by the board of directors, not exceeding five thousand dollars, for the faithful discharge of his duties. The directors may fill all vacancies occurring in their body during their term of office.

§ 6. They shall cause to be prepared and kept an accurate map and survey of the grounds and lots in

said cemetery, which shall be recorded in the clerk's office of the Anderson County Court.

§ 7. They shall have power to make by-laws for the regulation and control of lots, and for the control and management of the grounds and graves and the mode of ornamenting the same.

§ 8. They shall have power to enter upon any of the lots and remove any ornaments, fixtures or shrubbery that may be planted on said lots against the regulations or by-laws of said company.

§ 9. The board of directors shall have power to sell burial lots at either public or private sale, and when sold and paid for, it shall be the duty of the president of the board of directors to execute to the purchaser, giving the number of the lot or lots, a certificate thereof, which shall vest the purchaser with title to said lot or lots, said certificate to be attested by the secretary.

§ 10. Any purchaser failing to pay the contract price for a lot or lots bargained for four months from the date of such contract, shall forfeit all claim to the same, and the lot or lots, with all improvements thereon, shall revert to the corporation and be held as if never sold. If any interments have been made in such lot or lots, the board of directors shall have power to remove or cause the bodies to be removed to any public ground kept for burial purpose, or to a place set apart for that purpose in said cemetery: *Provided*, That the said board of directors shall give a written notice to the person or persons in whose name such lot or lots are purchased, at least thirty days before such action; and if such person or persons can not be found, then said notice is to be posted in said lot or lots for sixty days before such action.

§ 11. That the board of directors shall have power to appoint, from time to time, such superintendent or other officers as they may think necessary, and take from them such bond as may be required by

the by-laws of the company. The proceeds of the sale of all lots, and all money that may come to the corporation from any other source, shall be applied, first, to reimburse those who made advancements for the original outlay and purchase of the grounds, and shall forever afterwards be applied to ornament and improve the grounds and defray incidental expenses and purchase of additional ground.

§ 12. The title to any lot may be transferred according to such rules as may be prescribed by the by-laws of the corporation, and in no other way. If not transferred by the grantee, it shall descend or pass by devise as other real estate. None of the lots in said cemetery shall ever be used for any other purpose than burial lots, and if applied to any other use, the title shall revert to the corporation.

§ 13. The certificate of ownership of lot in this cemetery shall be recorded in the clerk's office of the Anderson County Court, and such certificate shall invest the fee-simple right and title in and to such lot in the purchaser, his heirs or assigns forever, and shall have the same effect for all legal purposes as deeds duly executed and recorded; but said lots shall be held by the purchasers thereof subject to the by-laws, rules and regulations of the corporation and its board of directors.

§ 14. The secretary shall keep a well bound book, in which shall be kept a full and accurate account of all business of the corporation, and all business meetings of the corporation, all accounts and expenditures of the corporation, to whom moneys are paid and for what purposes, a record of sales and transfer of lots, and all by-laws, rules and regulations of the corporation, and of all lands and moneys or other property received by the corporation.

§ 15. That if any person or persons shall willfully and without lawful authority violate any of the graves of the dead, or any vault that may be erected

on the grounds of the company, or willfully injure any of the monuments, shrubbery, fencing, fixtures or buildings, or in any way damage the grounds or other property of the company, such person or persons so offending, and those, if any, who may aid or abet therein, shall be punished by fine of not less than ten nor more than one hundred dollars, or imprisonment in the county jail not to exceed six months, or both so fined and imprisoned, which may be by warrant before any court of competent jurisdiction; and shall in addition be liable to said company for damages in any court of competent jurisdiction; which fines and damages, when recovered, shall be the property of the company, and shall be applied by the company to the repairing the injury committed, and the residue, if any, to be used in improving the grounds and fixtures.

§ 16. This act shall take effect after its passage.

Approved February 15, 1890.

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## CHAPTER 182.

AN ACT to amend the charter of the Northern Bank of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That so much of the charter of the Northern Bank of Kentucky as makes it a part of the qualifications of a director of said bank, that the person elected shall have been a stockholder for at least three months previous to the election, be, and the same is hereby, repealed. It shall be sufficient that, at the time of the election, the person chosen as a director is a stockholder of said bank, owning the requisite number of shares, and possessing all the other qualifications provided by the charter. Neither shall any stockholder, otherwise eligible to the office

of director, be rendered ineligible because he is a partner in trade or business with another person who is or becomes a director in some other bank.

§ 2. This act shall take effect and be in force from its passage.

Approved February 15, 1890.

## CHAPTER 183.

AN ACT extending and fixing the boundary of Morgantown, Kentucky, in Butler county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the corporate boundary of the town of Morgantown, Butler county, Kentucky, be, and the same is hereby, fixed as follows: Beginning at the mouth of Renfro creek; thence a straight line to C. P. Brown's house, including it; thence a straight line to the north corner of the colored grave-yard, excluding the grave-yard; thence a straight line to J. E. Harreld's, and — corner in Neil and Taylor's line; thence with said J. E. Harreld's line to the topped white oak on the Bowling Green road, Stewart's old corner; thence with the Stewart line to a gum, T. C. Carson's corner; thence a straight line to the colored church, including it; thence a straight line to John Leache's house, formerly owned by Curren Whitaker; thence a straight line to the north corner of the Morgantown Cemetery, including it; thence a straight line to the county ferry, including the ferry-house; thence up the river to the beginning.

Approved February 15, 1890.

## CHAPTER 184.

AN ACT to authorize the city of Lexington to make a donation in land and money, or its equivalent, in order to secure the location at or near said city of the machine shops of the Elizabethtown, Lexington and Big Sandy Railroad Company, and to ratify and legalize an ordinance of said city and the election held thereunder in reference to such donation.

WHEREAS, The general council of the city of Lexington enacted an ordinance, which was approved by the mayor of said city on April twenty-ninth, one thousand eight hundred and eighty-nine, and is in words and figures as follows, to-wit :

## AN ORDINANCE

Submitting to the qualified voters of the city of Lexington a proposition to donate thirty-five thousand dollars for the establishment of the Elizabethtown, Lexington and Big Sandy Railroad Company's machine shops in or near said city.

*Be it ordained by the General Council of the city of Lexington :*

WHEREAS, The Elizabethtown, Lexington and Big Sandy Railroad Company, through its authorized representatives, has submitted to the mayor and general council of the city of Lexington, Kentucky, a proposition asking the city of Lexington to donate twenty-five acres of land and twenty-five thousand dollars to the Elizabethtown, Lexington and Big Sandy Railroad Company, in consideration of said company's agreement to locate and maintain the machine shops of said company in or near this city, which proposition is contained in the official letter of C. P. Huntington, as follows :

*To the Mayor and General Council of the city of Lexington, Kentucky :*

SIRS : At the request of the committee from your city that I make a proposition with respect to the

establishment of the Elizabethtown, Lexington and Big Sandy Railroad Company of machine shops in the city of Lexington, I have to offer the following:

If the city of Lexington will donate to the Elizabethtown, Lexington and Big Sandy Railroad Company twenty-five acres of land, to be used by the said railroad company as a site for its machine shops there, and properly located for that purpose, and in addition thereto the sum of twenty-five thousand dollars in money, the said railroad company will agree to put up suitable shops to do the business of the company pertinent thereto. The said money to be paid in four equal installments as the work progresses, one-fourth when a quarter of the work shall have been done, the next two payments when one-half and three-quarters respectively of the work shall have been finished, and the last quarter when the improvement shall have been completed.

If preferred by the city, the railroad company will take, in lieu of cash, ten-year six per cent., or twenty-year five per cent. bonds of the city of Lexington at par.

Work will be commenced in the spring, or as soon thereafter as the real estate shall have been conveyed to the railroad company, and the money or bonds shall have been deposited in escrow in the hands of some party who shall be mutually satisfactory, or else parties satisfactory to the railroad company shall guarantee that the payment in money or bonds, as above indicated, shall be made as per this paper.

It is understood that the master mechanic of said company will keep employed at or in connection with said shops one hundred and fifty to two hundred men.

Yours respectfully,

C. P. HUNTINGTON.

*Be it therefore ordained:*

SECTION 1. The proposition to establish and maintain the machine shops of the Elizabethtown, Lexington and Big Sandy Railroad Company in the

city of Lexington, Kentucky, or within a half mile of the limits, as set forth in said letter, be, and the same is hereby, approved by the mayor and general council.

Election.

SECTION 2. An election is hereby ordered to be held in the city of Lexington, at the usual voting places, between eight o'clock forenoon, and six o'clock afternoon, on the fourth day of May, one thousand eight hundred and eighty-nine, at which election said proposition shall be submitted to the legal voters of the city of Lexington, qualified to vote for city officers, for the purpose of ascertaining the sense of said voters upon the question of making the donation necessary to carry out said proposition, to-wit: Of the sum of thirty-five thousand dollars, payable in twenty-year five per cent. bonds of the city of Lexington, Kentucky, not exceeding ten thousand dollars of which shall be used by the mayor in purchasing the necessary land for the location of said shops, and twenty-five thousand dollars shall be delivered to said company in accordance with the terms and conditions of said proposition.

Duty of mayor.

SECTION 3. The mayor is authorized and directed to have properly prepared poll-books for the holding of said election, and to take all necessary steps for having such election held in the manner provided by law.

Advertising.

SECTION 4. Notice of said election, with the voting places and the names of the inspectors of election to be designated and appointed by the mayor, shall be published for four days in the official paper of the city, and also in the Lexington Transcript and Kentucky Leader: *Provided, however,* That the mayor can make satisfactory arrangements with the publishers of said additional papers for the publication of said notice.

SECTION 5. At the election the votes shall be received "For the donation for the car shops" and "Against the donation for the car shops." The in-



spectors shall make the additional certifications and Certificate. return the poll-books used in said election, as required by law as to city elections.

SECTION 6. Should a majority of the votes cast at Acceptance. said election be found to be for the donation for the car shops, said vote will be an acceptance in full by the city of the proposition of said railroad company ; and it shall be the duty of the mayor and council to secure from the General Assembly of the State of Kentucky such acts as will ratify and legalize the donation to said railroad company and authorize the issuance of city bonds for the amount of said donation.

SECTION 7. That not exceeding ten thousand dollars Purchase of property. of said donation shall be used by the mayor of the city in the purchase of twenty-five acres of land, within one-half mile of the city limits, located convenient to the line of the railroad and satisfactory to the chief engineer and general manager of said railroad company ; and the deed of conveyance of said twenty-five acres of land to said railroad company shall provide that the shops and appliances erected on said land shall be of such magnitude and character as to accommodate the business of said railroad company ; and said conveyance shall contain a stipulation that whenever said land shall cease to be used and occupied for the shops aforesaid, said land shall revert to the city of Lexington.

SECTION 8. This ordinance shall take effect from and after its passage.

[Signed]

JOSEPH M. KIMBROUGH,  
*President Board of Councilmen.*

LOUIS STRAUS,  
*President Board of Aldermen.*

Approved April 29, 1889.

C. W. FOUSHEE, *Mayor.*

AND WHEREAS, The election ordered by said ordinance was duly held on the fourth day of May, one thousand eight hundred and eighty-nine, in all

respects as therein provided and required, at which election a majority of the votes cast were found to be in favor of the donation contemplated by said ordinance; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the said ordinance hereinbefore recited, and the said election held under and in pursuance thereof, be, and the same hereby are, ratified and legalized and declared to be valid and binding and operative as a legal acceptance, upon the terms set forth in said ordinance, of the proposition therein recited for the location of the machine shops of the Elizabethtown, Lexington and Big Sandy Railroad Company.

§ 2. That the mayor and general council of said city be, and they hereby are, authorized and directed to issue the bonds of said city in such denominations as they may see fit, and of the aggregate par value of thirty-five thousand dollars, payable twenty years after the date of their issue, and bearing interest at the rate of five per centum per annum, payable semi-annually; the principal and interest of said bonds to be payable at such place as said mayor and general council may fix. Said mayor and general council are authorized and directed to use a sufficient amount of said bonds, not exceeding, however, ten thousand dollars in par value, in purchasing twenty-five acres, more or less, of land, within one-half mile of said city, convenient to the line of said railroad and satisfactory to the proper authorities of said railroad company, which land they shall cause to be conveyed to said railroad company for the location of its machine shops; the deed of conveyance providing that the said shops and appliances, erected on said land, shall be of such magnitude and character as to accommodate the business of said railroad company, and containing a stip-

ulation that whenever said land shall cease to be used and occupied for said shops, it shall revert to said city; and the remainder of said bonds shall be placed in the hands of some person or trust company, to be agreed on by said city and said railroad company, to be delivered to said railroad company as follows, namely: In four equal, or as nearly equal as practicable, installments, one when one-fourth of the work of the erection of said shops shall have been done; one when one-half of the work shall have been done; one when three-fourths of the work shall have been done, and one when the work shall have been completed. But the interest which shall have accrued on the bonds so delivered from the date of issue, up to the period of such respective deliveries, shall be credited thereon as of the date of such delivery.

§ 3. This act shall take effect from its passage.

Approved February 15, 1890.

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## CHAPTER 185.

AN ACT to extend the time for beginning, in this State, the location and construction of the line of the West Virginia and Ironton Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the time for beginning the location and construction of such part or parts of the main line of the West Virginia and Ironton Railroad Company as shall be in this State, be, and the same is hereby, extended for two years from the date of the passage of this act.

Approved February 18, 1890.

## CHAPTER 186.

AN ACT to incorporate the "American Bank Trust and Guarantee Company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. John B. Thompson, Waldorf H. Phillips, George E. Hubbard, Frederick A. Sawyer, Jacob B. Bilheimer, and such others as may become their associates, successors and assigns, shall be, and they are hereby, ordained, constituted and declared to be a body-politic and corporate, by the name of the "American Bank Trust and Guarantee Company" of Harrodsburg, Kentucky; and it is hereby authorized to establish and maintain branches, branch offices and agencies at such other places in or out of the United States, and for such periods as to the board of directors of said company may appear necessary or convenient; to sue and to be sued, to plead and be impleaded in all courts of justice, and to have and to use a common seal, and the same to alter and change at pleasure; and they shall also be, and are hereby, empowered to purchase, hold, possess and enjoy, to themselves and their successors, any estate, real or personal, for the use of said corporation: *Provided*, That the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold be only such as shall be requisite for its purposes in the transaction of its business, or such as shall have been mortgaged or conveyed to it in good faith by way of security for loans, or such as shall have been conveyed in satisfaction of debts previously contracted in the course of its business, or such as shall have been purchased at sales upon judgments or decrees obtained for such debts; and all such real estate as shall not be necessary for the purposes of said corporation in the transaction of its business, except lands mortgaged or conveyed as

aforesaid, shall be sold and disposed of within five years after the said corporation shall have acquired title to the same.

§ 2. The objects and business of the said corporation shall be to assume and make guarantees of any description, including the principal or interest, or both, of the bonds of railroad or other corporate companies, and securities, obligations and contracts issued by any proper authority or person or corporation; to grant loans and make advances on dividend, claims, and on any other securities or valuable property whatever; to undertake the care and custody and management of any kind of property, and accept and execute trusts of every description from any person, corporation or authority whatever, including money and property of every description, and to accept and receive deposits of the same; and any person, corporation and authority is hereby authorized to commit the same to said company, and the said company is hereby authorized and empowered to perform all the business and services of a trust company; and also to perform all the business of a safe deposit company, under such rules and regulations as may be requisite and not in contravention of the laws of the State of Kentucky or of the United States.

§ 3. The said corporation is hereby authorized to undertake and transact the objects and business above mentioned upon such terms and conditions as the board of directors may prescribe, or as may be agreed upon by the parties; and shall also have power to loan any money received on deposit or otherwise, to issue its obligations and certificates of deposits, to establish a bureau of financial adjustment of the affairs of corporations and copartnerships, and issue such other securities as the board of directors may deem advisable; and the said corporation may charge, collect and receive such fees for their services as may be agreed upon.

§ 4. That the capital stock of said company shall

be fifty thousand dollars in cash, divided into shares of one hundred dollars each, and into such classes as the directors may determine, which stock shall be deemed personal property, and transferable only on the books of the company in conformity with the by-laws; and when twenty thousand dollars shall have been actually subscribed, and ten thousand dollars paid in cash, the said company shall be authorized to organize and adopt by-laws, elect officers and commence business; and said company shall have power to increase said capital from time to time, and to such an extent and such an amount as the board of directors may deem for the best interests of the company. Whenever, and as often as the capital stock may be from time to time increased, a certificate under the corporate seal of the company, setting forth the amount to which said stock has been increased, shall be filed with the Secretary of State of the State of Kentucky, and such increase shall not go into effect until such certificate shall be filed. John B. Thompson, Waldorf H. Phillips and Frederick A. Sawyer are hereby appointed commissioners to open books of subscription to the capital stock of said company, at such time and place as they, or a majority of them, shall deem proper, and for such amount as in their judgment the business of the company may require, but for no less amount than twenty thousand dollars as hereinbefore provided; and the said commissioners shall call such meeting as may be necessary, and supervise the organization of the said company by the persons who shall make subscriptions to the capital stock according to the provisions of this act.

§ 5. That the property and concerns of said company and its corporate powers shall be vested in and managed by not less than six nor more than twenty-one directors, who shall be stockholders, and by such other officers as they may elect or appoint. The board of directors shall divide themselves by lot

into three classes as nearly equal as may be. The term of office of the first class shall expire at the end of two years, that of the second-class at the end of four years, and that of the third class at the end of six years, and at the expiration of the second year, and biennially thereafter, there shall be chosen a number of directors in the class whose term will then expire, who shall hold their office for six years, or until their successors are elected; such election to be held at such time and place and in such manner as may be prescribed by the by-laws of said company. And in case it should happen that any election for directors should not be held at the day when, in pursuance of this act, it ought to be held, the said corporation shall not be dissolved for that cause, but the acting directors shall hold office until their successors shall have been duly elected; and it shall be lawful to hold another election at such time and place as the directors, or a majority of them, may designate. Directors shall be re-eligible, and vacancies occurring in the intervals of elections may be filled by the board. In the biennial election of directors each stockholder shall be entitled to one vote for every share of stock held by him, and such vote may be given in person or by proxy.

§ 6. That the directors, or a majority of them for the time being, shall have power to make and prescribe such by laws, rules and regulations, as to them shall appear needful and proper for the management, custody and disposition of the assets of the company, of whatever nature the same may be, and for the government of said corporation and the transaction of its business, and to fulfill the purposes of this act; and to amend, alter and revoke the same at pleasure; and to elect or appoint such officers, clerks and agents as they may deem necessary, with such compensation as may appear to them proper, and upon such tenure of office as said directors may determine: *Provided,*

*nevertheless*, That such by-laws, rules and regulations, shall not be repugnant to the Constitution of this State or of the United States; and said board may hold their meetings at such place as they may designate.

§ 7. In addition to its ordinary shares or capital stock, the directors of the corporation hereby incorporated may issue, from time to time, to an extent not to exceed one-fifth of the number of ordinary shares, certificates to be known as Founders' Shares, which shall have no designated value and form no part of the capital stock of the company, and may be issued from time to time, for such purposes as the board of directors may deem proper, and under such regulations as the by-laws may prescribe; and which Founders' Shares shall be entitled to receive such a portion of the annual profits of the corporation as may be fixed by the by-laws, but shall not be entitled to receive any dividend, or any part of the profits of the corporation hereby created, until after the ordinary or capital stock of the company shall have earned, and there shall have been declared payable thereon, a dividend of at least six per cent. per annum.

§ 8. The stockholders of the company incorporated under this act shall be severally and individually liable to the creditors of the company in which they are stockholders to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by such company to the extent of any unpaid subscriptions made by them respectively; but the private property of stockholders shall not be liable for the corporate debts, except as herein provided, and shares of stock of the company, when fully paid for, shall be unassessable.

§ 9. It shall be lawful for this corporation at any time to change its corporate name and adopt another at its pleasure, but such change of name shall not take effect until a certificate of such change of name,



under the corporate seal of the corporation in writing of such change, is filed with the Secretary of the State of Kentucky.

§ 10. This act shall take effect immediately.

Approved February 18, 1890.

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## CHAPTER 187.

AN ACT to incorporate the Confederate State Association of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That S. B. Buckner, Joseph H. Lewis, R. J. Breckinridge, B. W. Duke, Lee Hathaway, John W. Caldwell, Wm. L. Jackson, Sr., J. C. Wickliffe, Chas. Reed, John L. Sanford, Fayette Hewitt, Clinton McClarty, P. W. Hardin, Henry T. Stanton, John H. Leathers, John B. Castleman, Geo. B. Eastin, E. H. McDonald, R. C. Morgan, S. G. Sharpe, Jas. A. Hindman, T. L. Glenn, John R. Kemp, Wm. Lindsay, J. W. McCain, B. F. Bradley, Jas. Blackburn, H. W. Bruce, G. W. Terrell, J. S. Johnston, Jas. E. Cantrell, J. W. Alcorn, Thos. W. Bullitt and Chas F. DeJarnette be, and they shall hereby, constitute a body-corporate and politic, under the name and style of the Confederate State Association of Kentucky, and they and their successors shall have, as such, perpetual succession; and by the name and style aforesaid they may contract and be contracted with, implead and be impleaded, and sue and be sued in all courts of law and equity in this State; and may make, have and use a common seal, and alter and amend the same at will.

§ 2. The said corporation shall have the right to take and hold by purchase, gift or devise, real and personal estate for its benefit and uses as hereinafter defined, to the amount of one hundred thousand

dollars, and to dispose of and convey the same at will, in conformity with the intent and provisions of this act.

§ 3. The said corporation shall have power to render charitable assistance, care and relief to poor and needy persons, or such persons, if they be impotent and friendless, who have been enlisted or in anywise engaged in the military, naval or other service of the Southern Confederacy, or the government of the Confederate States of America, and to the families of said persons if such be destitute or in want or distress; and in order to effectually accomplish the purposes of this act, the officers of the said corporation, out of the funds which shall come into their hands, may provide homes where such persons may obtain shelter and subsistence, and their children of tender age may be cared for and educated, and hospitals where the infirm and sick among such persons may receive proper treatment. Said corporation may also erect and establish monuments or such other appropriate memorials, structures and designs as it may deem suitable to commemorate events of Confederate history with which the people or name of Kentucky are associated; but no part of the funds belonging to the said corporation shall be employed for such monumental or memorial purposes if the same be needed to carry out the charitable uses before mentioned; and it shall be the duty of its officers to collect and preserve all such historical data relating to the services of the citizens of Kentucky in the late civil war, or the position and action of the State therein, as they may esteem worthy of perpetuation in proper form and manner.

Management by  
board of directors.

§ 4. The business and affairs of the said corporation shall be under the conduct and management of an executive committee, composed of nine members of the said Confederate State Association of Kentucky, who shall be elected and hold office for the term of one year, subject to the condition hereinaf-

ter expressed. The first election of said officers shall be upon the twenty-fourth day of March, one thousand eight hundred and ninety, by the incorporators herein named, or a majority thereof, at such place as they may choose therefor, and at such election the vote of any incorporator not present may be cast by proxy, signed by such incorporator, and presented at said meeting by any other incorporator designated therein. Annually after said first election one-third of the members of said executive committee shall be elected for the term of three years, at such place and date and in such manner as may be prescribed in the by-laws of said association.

§ 5. Said executive committee shall choose a chair- Executive board. man and secretary in such manner as the by-laws may prescribe, and the duties of said officers shall be defined by the by-laws; and it shall have power to make and establish by-laws, rules and regulations, for the proper interest, government and conduct of said association, and for the management and safe-keeping of the property thereof. Said executive committee shall also have power to prescribe the terms and conditions of membership in the said association.

§ 6. This act shall take effect from and after its passage.

Approved February 18, 1890.

## CHAPTER 189.

AN ACT to amend the charter of the city of Augusta, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the said city of Augusta, Kentucky, be so amended that a majority of a quorum of councilmen of said city shall have the

power to grant a license to sell spirituous, vinous and malt liquors for one year, beginning from the time the license is granted: *Provided*, The majority of the vote cast at the election preceding, when the vote was taken "for or against the sale of spirituous, vinous or malt liquors," was in favor of the sale of spirituous, vinous and malt liquors.

§ 2. In the event of a tie vote upon the question of granting such a license the mayor shall have the right to vote.

§ 3. All laws in conflict herewith are hereby repealed.

§ 4. This act shall take effect from and after its passage.

Approved February 18, 1890.

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## CHAPTER 190.

AN ACT to create Persimmon Grove voting precinct, in Campbell county, a magisterial district.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the territory described in chapter three hundred and seventy-one, Acts one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, is hereby created a magisterial district, to be known as Persimmon Grove magisterial district.

§ 2. That at the August election, one thousand eight hundred and ninety, the voters of said district shall elect two justices of the peace and one constable.

§ 3. The justices of the peace and constable so elected shall enter upon the duties of their respective offices on the first Monday in June, one thousand eight hundred and ninety-one.

§ 4. That the dockets of Daniel Caldwell, Esquire,

and Matthew Rebholz, Esquire, shall remain the dockets of the courts of Grant's Lick magisterial district, and delivered to the justices elected for Grant's Lick district who are elected in one thousand eight hundred and ninety.

§ 5. That this act take effect from its passage.

Approved February 18, 1890.

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### CHAPTER 193.

ACT for number two, colored common school district for Montgomery county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That whereas, the trustees of colored common school district number two, in Montgomery county, have purchased a suitable school-house and lot adequate to the wants of said district, under the advice of the county superintendent of said county, and said district having accepted said house and lot so bought, and is now occupying same for said school purposes, and no provision having been made to pay for said school property, therefore it shall be lawful for the trustees of said district, and they are hereby authorized and empowered, to levy a poll or capitation tax of two dollars on each colored male person over twenty-one years old residing in said colored common school district number two, and an ad valorem tax of not exceeding twenty-five cents on the one hundred dollars' worth of all property in said district owned by colored persons, and to be so levied for a period not to exceed three years; said tax shall be collected by the sheriff of said county as similar State taxes are, and the same paid over to the county superintendent of the county within ninety days after the lists of persons and property shall have been placed

in his hands for collection ; and the county superintendent shall be responsible on his official bond for the proper disbursement of same ; and the sheriff shall be allowed ten per cent. for collecting said tax ; said tax, when so collected, shall, upon the orders of the trustees of said district, be paid on the purchase money notes executed by the trustees for said school property ; and any money so collected remaining in the hands of said county superintendent, after paying off the purchase money notes and the interest thereon, shall in like manner be paid over for such school appliances and furniture as may be necessary to the proper conduct of said school.

§ 2. The assessment of the county assessor made last before the levy of the tax hereunder shall be the basis of the property and persons to be so taxed.

§ 3. This act shall be in force and take effect from and after its passage.

Approved February 18, 1890.

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## CHAPTER 195.

AN ACT to incorporate the Bruner's Chapel, Liberty and Cedar Grove Turnpike Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That John Whiteneck, George Shirley, J. R. Elliott, James Bottoms, W. R. Watts, James H. Carey, Henry Sallee, and their associates and successors, be, and are hereby, created a body-politic and corporate, under the name and style of the "Bruner's Chapel, Liberty and Cedar Grove Turnpike Company;" and by said name and style shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts of this Commonwealth ; to have and use a common seal, and alter the same at pleasure.

Incorporators.

§ 2. That said company is hereby authorized to build Build turnpike. and construct a turnpike road from a point near Bruner's Chapel to the Washington county line by way of Cedar Grove.

§ 3. The capital stock of said company shall not C. pital stock. exceed ten thousand dollars, and shall be divided into shares of twenty-five dollars each; and any of the incorporators named herein may receive written subscriptions to the capital stock of said company, and each stockholder shall be entitled to one vote for each share of stock owned by him in said company at all of its elections, which vote or votes may be given in person or by proxy. The subscription to said capital stock shall be in substance as follows: "We, whose names are hereunto subscribed, do bind ourselves, respectively, to pay the president and directors of the Bruner's Chapel, Liberty and Cedar Grove Turnpike Company the sum of twenty-five dollars for each and every share of stock set opposite our names, in such manner and proportion and at such times as shall be required by the calls therefor to be made by the president and directors of said company."

§ 4. When fifty shares of the company's stock has First election. been subscribed for, the above-named incorporators shall give notice of a meeting of the stockholders of said company for the purpose of choosing officers, and at said meeting at least two of said incorporators shall be present to superintend the election. There shall be a president and five directors elected, who shall hold their offices for one year, and until their successors are elected and qualified. The directors shall elect a clerk, who shall act as treasurer of said company, and shall, before entering on his duties, execute bond, with security as treasurer, to be approved by said directors, to the effect that he will faithfully perform the duties of said office, and that, when required by said company, he will pay over any and all money in his hands as clerk and treasurer.

He shall hold his office one year, and until his successor is elected and qualified.

**Erect toll-gates.** § 5. Said company is hereby authorized to establish and erect a toll gate on said road when two and a half miles thereof has been completed, and at such a point thereon as they may select, and may collect toll from persons traveling on or using said road.

**Let contract.** § 6. Said company is authorized to let out the building or making of said road to contractors, on such terms and in such portions as they may deem proper.

**Clerk's duty.** § 7. It shall be the duty of the clerk to keep a faithful record of all proceedings of the board of directors, and as treasurer to keep a faithful record of all moneys received and disbursed by him, which records shall at all times be open to the inspection of stockholders.

§ 8. No one call for subscription shall be for more than fifty per cent. of the amount subscribed, nor shall such calls be made oftener than thirty days.

**President and board of directors.** § 9. The president and board of directors shall have and exercise full control and management of the affairs of said company, and enact such by-laws, not inconsistent with the laws of this State or the United States, for the government of said road, as they think proper, and may employ such agents as are deemed proper.

**Hold real estate.** § 10. Said company shall have power to acquire, hold, use and enjoy such real estate, earth, timber, gravel or stone as may be necessary in or for the construction of said turnpike, and may condemn land for the right of way and toll-houses, and gravel, stone and timber necessary in the construction of said road, in the same manner provided by law for the condemnation of land by railroad companies when same can not be obtained by consent or purchase.

**Condemnation.** § 11. That the private property of the stockholders shall not be liable for the debts of the company.

§ 12. This act to take effect from and after its passage.

Approved February 18, 1890.



## CHAPTER 196.

AN ACT to incorporate the Kentucky Dime Savings Bank.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That C. D. Pearce, J. W. Gaulbert, S. L. Incorporators. Avery, A. S. Irwin, W. B. Fleming and L. J. Fra-  
zee, Jr., be, and they are hereby, created a body-  
corporate, by the name of the Kentucky Dime Savings  
Bank; and by that name shall have perpetual succes-  
sion for a term not exceeding thirty years; and may  
sue and be sued, implead and be impleaded; and may  
have and use a corporate seal, and alter the same at  
pleasure.

§ 2. The capital stock of this corporation shall be Capital stock.  
two hundred thousand dollars, which shall be divided  
into shares of not less than ten dollars and not more  
than one hundred dollars each; but the capital stock  
may, at any meeting of the stockholders, be increased  
to any sum not exceeding one million dollars, or it  
may be increased from time to time to a sum not ex-  
ceeding the aggregate aforesaid upon the assent of a  
majority of the capital stock issued. The said corpo-  
rators, or the majority of them, shall have power to  
open books for subscriptions to the capital stock; and  
when not less than one thousand shares shall have  
been subscribed, and ten per cent. thereon shall have  
been actually paid in, the stockholders may elect a  
board of not less than five directors, who may at any  
time be increased to any number not exceeding fifteen,  
who shall serve until the next annual election; and  
who, as also their successors, are hereby authorized  
and empowered to have and to exercise, in the name  
of the corporation, all the rights and privileges herein  
conferred; but active business shall not be commenced Commence busi-  
ness.  
until at least forty thousand dollars shall have been  
paid on the capital stock. Should the capital stock  
at any time be increased, the stockholders, at the

time of such increase, shall be entitled to a pro rata share of the same upon the payment of the price fixed by the board of directors. Vacancies in the offices of directors shall be filled by the board until the next regular election. Should an election for directors, from any cause, at any time fail to be made on the day herein designated, the corporation shall not, from that cause, be dissolved; but any and all elections made subsequent thereto shall be deemed valid and so held.

Board to elect officers.

§ 3. The directors, a majority of whom shall at all times constitute a quorum, shall elect from their number, at the first meeting after their election, and annually thereafter, a president and vice-president, who shall hold their offices for the term of one year, and until their successors are elected and qualified; and may appoint and dismiss at pleasure a manager, cashier, book-keeper and other officers, clerks, agents, attorneys and employes. All elections for directors shall be by ballot, and every stockholder shall be entitled to one vote for every share of stock held by him. At any stockholders' meeting a quorum shall consist of stockholders owning at least one-half of the capital stock.

May make by-laws.

Take bonds.

§ 4. The board of directors shall make all by-laws necessary for the business of the corporation; may prescribe the compensation of the president and other officers and employes; shall hold stated meetings at least once a month; may require such bond and security of its officers, agents and employes for their fidelity and good conduct as they may deem proper, and shall exercise a careful supervision over such officers and employes, and the business of the corporation; and shall have power to fix the times and amounts for payment of the capital stock which remains unpaid, which calls shall not be oftener than once a month, nor exceed in amount ten per cent. of the amount subscribed in any call. The

corporation shall have a lien on the stock for any amount due thereon from any stockholder.

§ 5. Said corporation may do business as a savings <sup>Business.</sup> bank, and as such shall receive on deposit during business hours any sum of money not less than ten cents, and such deposits shall be paid at such times, and with such interest, and under such regulations as the board of directors may from time to time prescribe; which regulations shall be put up in some public and conspicuous place in the room where the business of said corporation is transacted; but shall not be altered so as to affect any deposit previously made. Said corporation may receive money on de- <sup>Receive deposits.</sup> posit, and loan out the same, deal in gold and silver coin and bullion, and bills of exchange, promissory notes and other evidences of debt, receive promissory notes for money loaned, discount, purchase and sell promissory notes, bonds and bills of exchange, and do a general banking business; but it shall not issue any bill, bond, certificate of deposit, or other obligation, with a design to circulate the same as money. All promissory notes made payable to or at the said bank, or at any other bank which may be discounted by or sold to this corporation, shall be placed on the footing of foreign bills of exchange. Infants and married women may make deposits therein and control the same, and the receipts and acquittances of such minor or married women shall be as valid as if said minor was of full age, and such married woman a *feme sole*.

§ 6. The board of directors may, in their discretion, <sup>Invest in bonds, etc.</sup> invest such portion of the money deposited in said bank as may be desirable in any public stocks or bonds, or other securities of this or any other State, or of the United States, or of any city thereof, and sell or dispose of said stocks and securities from time to time; and may make loans of money upon mortgage upon real estate; and it shall be the duty of the directors to invest, as soon as practicable, or to loan,

as provided for in this act, all sums received by them beyond an available fund, not exceeding one-third of the total amount of the deposits of said institution.

§ 7. The misnomer of said corporation in any instrument shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties.

**Loan money.** § 8. Said bank shall have power to purchase or make advances on, and receive as collateral for the security of money loaned, or debt due or to become due, any check, draft, bond, promissory note, or written promise to pay money. It may purchase and make such advances and take as collateral warehouse receipts, stocks, United States or city or county vouchers or evidences of debt, or the bonds of the State of Kentucky, or of any other State, city, county, and realize on any or all of said securities by suit in the courts.

**Books to subject to inspection.** § 9. The books of the said corporation shall, during business hours, be open for inspection and examination to any stockholder or depositor of said bank, and such other persons as the Legislature may at any time appoint for that purpose.

**Contingent fund.** § 10. The board of directors, for the purpose of extinguishing any bad debts or losses that may be sustained by said corporation, shall, out of its profits of each year, before any dividend is declared, set apart not less than one per centum thereof for a contingent fund, until said contingent fund shall amount to two per centum on the capital stock subscribed for.

**Official responsibility.** § 11. Any officer or employe of said bank who shall, without the consent of said corporation, appropriate any of the funds of said corporation to his own use, or who shall willfully fail to make correct entries, or knowingly make false ones, on the books of the bank, with intent to cheat or defraud the corporation, or any other person, or who shall conceal any such misappropriation, or failure or false entry, the person so offending shall be deemed guilty of a felony, and,

upon conviction thereof, be sentenced to confinement in the penitentiary for a period not less than two nor more than ten years.

§ 12. Any of the corporators named herein, who shall fail to subscribe for stock, shall not be members. and all subscribers who shall fail to pay the first call on their subscription, upon notice of such call, shall cease to be stockholders, and the stock subscribed for by them may be subscribed for by others; and in case any subscriber shall fail to pay any call made by the board of directors for any unpaid balance of his subscription, and remain in default for sixty days, the board may, in its discretion, sell his stocks to the highest bidder for the benefit of the company. The stock of said company in any stockholders' meeting may be voted in person or by written proxy.

Subscription to capital stock.

§ 13. Said corporation may deposit for safe-keeping in any safety vault or trust company any security or evidences of debt held or owned by it, and make deposits of its funds in any good and solvent bank.

§ 14. Said corporation may acquire and own real estate sufficient to carry on the business of the corporation; but any real estate otherwise acquired shall be disposed of within five years from the acquisition thereof.

§ 15. This act shall take effect from and after its passage.

Approved February 18, 1890.

## CHAPTER 197.

AN ACT to incorporate the Farmers' Savings Bank of Lewisport.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby created a bank of dis- count, loan and deposit in the town of Lewisport, Hancock county, Kentucky, and the subscribers for,

Incorporation.

and holders of, stock therein and their successors, shall be a corporate body, under the name and style of "The Farmers' Savings Bank ;" and by that name shall have succession, may contract and be contracted with, sue and be sued, do a general banking business ; have a corporate seal, and change the same at pleasure.

Capital stock

§ 2. The capital stock shall not exceed one hundred thousand dollars, but it may commence business when two hundred shares of fifty dollars each shall have been subscribed for, and when ten thousand dollars thereon shall have been paid into said bank, to be ascertained by the affidavit of the president or cashier, made before any officer authorized to administer an oath, and filed with the clerk of the Hancock County Court ; but such additional stock may thereafter be subscribed for and issued and sold as the president and directors may order, to be issued and paid for or sold in such manner as they may direct, not exceeding the said sum of one hundred thousand dollars in all. J. H. Toler, J. L. Greathouse, Jr., J. C. Pell, Sr., D. B. Greathouse, B. H. Poindexter, H. G. Smith, T. J. Perkins, or any two of them, are hereby authorized to open books and receive subscriptions for stock before the election of a directory, which shall be paid for in such manner and in such installments as the president and directors, when elected, shall order or direct.

Incorporators.

May organize.

§ 3. When two hundred shares of stock shall have been subscribed for, the stockholders may meet and organize by the election of not less than five nor more than seven directors, who shall be stockholders, and shall hold their office until the first Monday in January next thereafter, and until their successors shall have been elected and qualified, one of whom shall be elected president to serve for the same period. The directors, before entering upon their duties of their office, shall swear they will faithfully discharge the duties of their office before some officer authorized to administer oaths.

They shall have power to elect a cashier and such other officers and agents as they may deem necessary and proper, and to require such bonds as they may deem proper to secure a faithful discharge of their respective duties, and to remove them at pleasure, and to ordain such by-laws as may be deemed proper for the convenient conduct of the business of said bank, and for compelling the payment of the subscriptions for stock, and may provide for its sale in case of non-payment. In case of the death or resignation of any director or other officer, his vacancy shall be filled by the board of directors until the next regular election, and until his successor shall have been chosen and qualified.

§ 4. The stock of said corporation shall be deemed personal property, and shall be transferable only on the books of said corporation in person or by attorney in fact; and the bank shall have a superior lien thereon for all indebtedness of its owner or holder to the bank for any unpaid subscription of said stock. Stock personal property.

§ 5. That said bank may transact business as a natural person; may loan money, discount promissory notes or bills of exchange; may buy and sell gold and silver coin, exchange, stocks or other securities, and all other evidences of indebtedness; and may do a general banking business, except that it shall not have power to make or issue notes of its own. The promissory notes and the bills of exchange made negotiable and payable at said bank shall be, and they are hereby, put upon the same footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the makers, drawers and indorsers. That said bank shall have the power to make advances on approved securities upon agricultural products, including growing crops, and upon all manufactures and fixtures as personal property. It may receive in pledge, or as surety for money loaned or debts owing it, bonds, stocks, warehouse Powers.

receipts, produce and merchandise, United States vouchers, certificates or bonds of indebtedness, or the bonds of this or any other State, city or county, or company incorporated by the United States or any State, and sell the same on the non-payment of the debt or demand by ordinary course of judicial proceedings.

Deposits.

§ 6. That said bank may receive deposits of gold, silver, bank notes or other notes which may be circulating as money, and repay the same in such manner and at such times and with such rate of interest, not exceeding six per cent. per annum, as may be agreed upon with the depositors by special or general contract. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid.

Hold real estate

§ 7. That said bank may acquire, hold, possess, use, occupy and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or to further the object of its creation, or which may be conveyed to it as surety for any debt, judgment or decree, and sell and convey the same; and said bank may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the laws of this State or the United States: *Provided, however*, That said bank shall not hold any real estate conveyed to it as security for any debt due it, or in satisfaction, in whole or part, of any debt or judgment for a longer period than five years.

§ 8. That it shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 9. That this act shall take effect from its passage, and continue in force thirty years.

Approved February 18, 1890.



## CHAPTER 198.

AN ACT to incorporate the Winchester Bank, of Winchester.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That a bank is hereby established in the city of Winchester, Kentucky, by the name and style of the Winchester Bank, of Winchester, Kentucky, and by that name is incorporated; and by such name it shall have power to make contracts and be contracted with, sue and be sued, complain and defend, in any court of law and equity, as fully as natural persons; it may elect or appoint not less than five directors, one of whom shall be president of the board as well as president of the bank, and by its board of directors appoint or elect a president, vice-president, cashier, and other officers, define their duties, and require bonds of them; dismiss said officers or any of them at pleasure, and appoint others to fill their places, and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking, by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, bullion; and by buying and selling county, State and United States bonds; and by buying stocks, including bank stocks; by loaning money on personal and real estate security; and any loans may be secured by mortgage on real estate or other articles of value, or both; and said bank may purchase, hold, use and convey real estate to the same extent and as fully as natural persons: *Provided*, Said bank shall not hold real estate, except such as is necessary for the transaction of its business. for a longer period than five years; and said bank shall have power to adopt and use a corporate seal, and shall have succession by the name designated for a period of thirty years from the date of the payment

Bank established.

Appoint directors.

General business.

of the first installment of the capital stock, unless sooner dissolved by the act of its share-holders owning a majority of its stock.

Negotiable  
paper.

§ 2. All promissory notes and bills payable to any person or persons or to a corporation, and payable and negotiable at this bank, or at any bank incorporated under any law of this Commonwealth, or organized in this Commonwealth under any law of the United States, which shall be indorsed to or discounted by said bank, shall be, and are hereby, placed on the same footing as foreign bills of exchange; and the said bank shall have power to make advances on promissory negotiable notes, payable at any of the aforesaid banks, as a collateral for money loaned, and as long as such collaterals are held by said bank for bona fide loans and advances made by it up to the maturity of such collaterals, the said promissory note collateral shall be on the footing of foreign bills of exchange; and all inland bills bought or discounted by said bank are placed on the footing of foreign bills of exchange.

Liabilities

§ 3. The total liabilities to said bank of any person, or of any company, corporation or firm, for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock actually paid in; but the discounting of bills of exchange drawn in good faith against actually existing values, and the discount of commercial paper, or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed.

§ 4. The share-holders of said bank may enter into articles of association, which may contain any provisions not inconsistent with law for the regulation of its business and the conduct of its affairs; and said articles of association may be altered, changed or amended at a meeting of the share-holders by the act of those owning a majority of its stock.

§ 5. The bank shall make not less than two reports of its condition during each year, and they shall be verified by the oath of affirmation of the president or cashier, and attested by the signature of three of the directors; and said reports shall be published in a newspaper published in the city of Winchester, Kentucky.

§ 6. The president and cashier of said bank shall cause to be kept at all times a full and correct list of the names and residences of all the share-holders in the bank, and the number of shares held by each, in the office where its business is transacted, and such list shall be subject to the inspection of all share-holders.

§ 7. Infants and married women may own stock in said bank, and they may deposit with and draw from said bank any money acquired or owned by them, and their checks for such deposits shall be valid and an acquittance to the bank.

§ 8. The capital stock of said bank shall be two hundred thousand dollars, divided into shares of one hundred dollars each, and be deemed personal property. In all elections of directors, and in deciding all questions at meetings of share-holders, each share-holder shall be entitled to one vote on each share of stock held by him. Share-holders may vote by proxy, duly authorized in writing. The capital stock of said bank may, by the action of the share-holders, be increased from time to time to an amount not exceeding five hundred thousand dollars, and said share-holders may make a reduction in the capital stock from time to time to an amount not less than one hundred and fifty thousand dollars. At least twenty-five per centum of the capital stock shall be paid in full before it shall commence business, and the remainder of the capital stock shall be paid in installments of at least ten per centum each, on the whole amount of capital, as frequently as one installment at the end of each succeeding month from the date of the payment of the

first twenty-five per cent. ; and should any shareholder fail to pay in his stock as required, the directors may sell the stock at public auction.

§ 9. The directors of this bank at its organization shall be C. Lisle, I. N. Cardwell, Jas. W. Hunt, R. H. Ware, H. L. Stevens, Geo. W. Strother, J. W. Johnson, R. D. Hunter and N. H. Witherspoon, who are to serve as such until others are duly elected and qualified ; and should any of the persons named fail or refuse to qualify and serve as directors, his or their place or places may be declared and treated as vacant, and said vacancies may be filled by the remaining directors. All subsequent elections of directors shall be held annually on the second Tuesday in January of each year, unless otherwise ordered by the shareholders ; and the directors shall hold their places for one year, and until their successors are elected and qualified. The affairs of said bank shall be managed by the board of directors, every one of whom shall, during his whole term of service, be a resident of the State of Kentucky ; and each director shall own, in his own right, at least ten shares of the capital stock of said bank ; and each director, when appointed or elected, shall take an oath that he will, so far as duty devolves on him, diligently and honestly administer the affairs of said bank, and will not knowingly violate, or willingly permit to be violated, any of the provisions of this act, and that he is the bona fide owner, in his own right, the number of shares required by this act, and that the same is in his own name on the books of the bank, and that the same is not hypothecated or in any way pledged as security for any loan or debt ; which oath, subscribed by himself and certified by an officer before whom it is taken, and one authorized to administer oaths, is to be kept on file and preserved by said bank. Any director ceasing to be the owner of ten shares, or having in any other manner become disqualified, shall thereby vacate his place. Any vacancy in the board shall be filled

by appointment by the remaining directors, and any director so appointed shall hold his place until the next election. If from any cause an election of directors shall not be made at the time appointed, an election may be held on any subsequent day, thirty days' notice thereof being given in a newspaper published in Winchester, Kentucky; and the said election may be ordered by the directors: *Provided*, That if the directors fail to fix a day, any three share-holders, owning not less than a majority of the shares of stock, may do so. The directors may, from time to time, declare dividends of so much of the net profits of the bank as they may judge expedient, but no dividend shall be made; and no dividend shall ever be made by said bank, while it continues its operations, to an amount greater than its net profits then on hand, deducting therefrom its losses and bad debts. The board of directors may prescribe by-laws, not inconsistent with law, regulating the manner in which its stock shall be transferred, its officers elected or appointed, its property transferred and its general business conducted. The board of directors shall, as often as shall be deemed necessary or proper, appoint a suitable member of their board, or other person, to make a thorough examination of all the affairs of said bank, and in doing so, may examine any of the officers or agents on oath, and said examination shall not be less frequent than once in every twelve months; and the report as of the day of examination, together with the report of the committee making said examination, shall be spread upon the minute-book of said bank. If the directors of said bank shall knowingly violate, or knowingly permit any of the officers, agents or servants of said bank to violate, any of the provisions of this title, they shall be held liable in their personal and individual capacity for all damages which the bank may have sustained in consequence of such violation.

§ 10. The share-holders of said bank shall be liable only to the amount invested in their shares.

§ 11. Every president, director, cashier, teller, clerk or other officer or agent of said bank, who embezzles, abstracts or willfully misapplies any of the moneys, funds or credits of the bank without authority, issues or puts forth any certificates of deposit, draws any order or bill of exchange, makes any acceptances, assigns any notes, bonds, drafts, bills of exchange, mortgage, judgment or decree, or who makes any false entry in any book, report or statement of the bank, with intent, in either case, to injure or defraud the bank or any other company, body-politic or corporate, or any individual person, or to deceive any officer of the bank, or any agent appointed to examine the affairs of the bank; and every person who, with like intent, aids or abets any officer, clerk or agent in any violation of this section, shall be deemed guilty of felony, and shall be imprisoned in the State penitentiary not less than five years nor more than fifteen years.

§ 12. This act shall be in force from and after its passage.

Approved February 18, 1890.

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## CHAPTER 199.

AN ACT to incorporate the Fayette Safety Vault and Trust Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Incorporators.

§ 1. That M. C. Alford, Thomas Mitchell, J. B. Simerall, W. D. Nicholas, Matt. Walton, J. W. Rodes, R. S. Bullock, W. K. Massie, John M. Bell, T. D. Mitchell, Watts Parker, W. J. Loughridge, W. E. McCann, John R. Allen, James A. Headley, C. J. Bronston, and all other persons who shall hereafter become stockholders in the company hereby

incorporated, shall be a body-corporate, by the name of the Fayette Safety Vault and Trust Company of Lexington, Kentucky; and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, and have and exercise all the powers hereinafter given; and may have and use a common seal, and alter the same at pleasure.

§ 2. The capital stock of said corporation shall consist of two thousand shares, of the par value of one hundred dollars each, and said capital stock may be increased at a meeting of the stockholders (those holding two-thirds of the capital stock assenting thereto) to any amount not exceeding one million dollars. In case of such increase of the capital stock, the stockholders at the time of such increase shall be entitled to a pro rata share of such increase upon the payment of the price fixed by the board of directors.

§ 3. Each person subscribing for any share or shares of stock in said company shall pay for each share so subscribed the sum of one hundred dollars, and said company shall not organize as herein provided until at least one thousand shares of the capital stock shall have been subscribed for; and said company shall not commence the transaction of business until at least the sum of fifty thousand dollars shall have been paid upon the aforesaid subscription of stock.

§ 4. The corporators, or a majority of them named in the first section of this act, are hereby authorized to open books for the subscription of the stock of the company hereby incorporated; and when not less than one thousand shares in said company have been subscribed for, they may call a meeting of the stockholders so subscribing, to be held in the city of Lexington, for the purpose of organizing said company.

§ 5. At the meeting called pursuant to section four of this act, and at all subsequent meetings of the stockholders of the company hereby incorporated, each share holder shall be entitled to one vote for each

share of stock held by him, and such vote shall be cast by said share-holder or by his proxy appointed by writing. At all meetings of share-holders a quorum shall consist of share-holders, present in person or by proxy, owning at least one-half of the capital stock issued.

Meetings.

§ 6. At a meeting called pursuant to section four of this act the stockholders shall elect from their number a board of nine directors, which number may be increased to fifteen at any meeting of the stockholders, which board shall manage the business of the company; and in so doing may exercise all the rights and privileges herein conferred upon said company. Said board of directors shall hold their offices until their successors are elected and qualified. The board of directors first elected shall divide itself into three classes. The term of office of the first class shall expire at the date of the next annual meeting of the stockholders; and after that time there shall be elected at each annual meeting a number of directors equal to one-third of the entire board, and the term of each director shall be three years. If for any reason an election of directors is not held at the regular annual meeting, it may be held at any subsequent meeting; but the terms of directors so elected shall expire at the same time as if they had been elected at the regular meeting. Vacancies in the board of directors shall be filled by the board until the next regular annual meeting of stockholders.

Stockholders' meetings.

§ 7. The stockholders of said company shall hold regular meetings once each year at such a time as may be fixed by the by-laws, and may hold meetings at other times as provided in the by-laws. All elections of directors shall be by ballot.

Principal office.

§ 8. The principal office of said company shall be in the city of Lexington, Kentucky; and all meetings of directors and stockholders shall be held in said city. All the directors of said company shall be citizens of and reside in the State of Kentucky, and hold



stock unincumbered in the company to the amount of five shares.

§ 9. The directors shall elect from their number at the first meeting, and annually thereafter, a president and vice-president; and the board of directors may appoint a secretary and a treasurer, and such other officers, agents and clerks and employes as the business of the company may require, and prescribe their duties and compensation. Any two or more offices of the company may be held by the same person. Elect officers.

§ 10. The officers and directors of the company, previous to entering on the discharge of their duties, shall take an oath before a notary public to faithfully, honestly and to the best of their ability discharge all the duties of their respective offices under this charter, and they will not knowingly permit any of the provisions of this charter to be violated. Oath.

§ 11. Said company shall not purchase or hold real estate, except that it may own or lease any building which is occupied in whole or in part by the offices and vaults, and may acquire real estate in satisfaction of any debt due it; but any real estate so acquired for debt, must be sold within five years from date of its purchase. Real estate.

§ 12. The capital stock and surplus of the company, except so much as may be invested in real estate, as prescribed for in section eleven, and so much as may be needed to conduct the business of the company, shall be kept invested in, or secured by the pledge of, safe bonds, stocks or notes secured by lien on real estate. And it shall be the duty of the company on the first day of the first term of the Fayette Circuit Court in each year, and oftener if required by the court, to file in said court a detailed statement of such investments, verified by the oath or affirmation of its proper officers. The funds so invested shall be primarily liable for the obligations of said company as executor, administrator, guardian, committee, receiver, assignee, trustee or other Capital stock.

fiduciary capacity, and shall not be liable for any other debt or obligation of said company until its fiduciary obligations shall have been satisfied.

§ 13. The capital and property of said company shall be taken and considered by law as the only security required for the faithful performance of its duties, and no other security shall be taken upon its appointment to any of the offices or duties mentioned herein, except when especially required by courts or the parties in interest.

May act as  
guardian, etc.

§ 14. Said company may be appointed and may act as guardian, executor, administrator, committee of persons of unsound mind, receiver, assignee, trustee, commissioner or other fiduciary office or relation; and such appointment may be by deed or will, or by any court having jurisdiction to make such appointment, or in any other manner not inconsistent with law. It may receive and hold in trust estates, real and personal, including the notes, bonds, obligations and accounts of estates, of individuals or corporations, public or private, and may, in its fiduciary capacity, purchase, collect, adjust, settle, sell or dispose of the same in the State or elsewhere. It may act as agent or attorney in the sale, leasing, conveying and managing real or personal estates, receiving or collecting rents or other money, in the issuing and countersigning certificates of stocks, bonds or other obligations of any corporation, association, municipality, State or public authority; may secure and manage any sinking fund thereof, and may accept and execute all such trusts of every description, not inconsistent with law, as may be committed to it by any person or persons, or by any corporation, or by any court of this or any other State or county.

§ 15. Any court of this State, having jurisdiction to make or approve any of the appointments herein provided for, shall have power, before making or approving the same, and from time to time afterwards,

to examine the officers of said company under oath or affirmation concerning the condition of the company, and to appoint a suitable person to investigate and manage the affairs of said company, and to report to the court the manner in which its investigations are made, and the security offered to those by or for whom its engagements are held. The expense of said investigation shall be paid by the company.

§ 16. In the exercise by said company of the powers herein authorized as guardian, executor, administrator, trustee or other office or duty imposed by a court, said company shall be subject to the same duties and responsibilities, shall have the same compensation as individuals holding similar offices and trusts.

§ 17. Said company may purchase, erect or lease a safety vault containing compartments or boxes adapted for renting to persons as a place of safe deposit for valuables, and may rent the same upon such terms as may be agreed upon by it and the persons renting them.

§ 18. Said company may receive for safe-keeping such valuables as may be intrusted to it, receipting therefor by its proper officer.

§ 19. Said company may, from time to time, declare dividends from its net earnings; but before doing so it shall set apart at least ten per cent. of said net earnings as a surplus fund, and shall continue to do so until said fund shall be equal to twenty per cent. of its capital stock.

§ 20. The board of directors shall make such by-laws, not inconsistent with law nor with its charter, as may be necessary or convenient for the exercise of the powers granted; but such by-laws may be altered or repealed by the stockholders at a regular annual meeting, or at a meeting called for that purpose by a vote of the majority of the entire capital stock issued.

§ 21. Private property of stockholders shall be exempt from liability for corporate debts.

§ 22. Nothing herein shall be construed to authorize said company to do a banking business.

§ 23. This act to be in force from its passage.

Approved February 18, 1890.

## CHAPTER 200.

AN ACT to incorporate the Coal and Iron Bank.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Name and incorporation. § 1. That W. E. Scarritt, F. H. Allison, Alex. A. Arthur, O. W. Davis, Jr., and G. W. Arthur, their associates, successors and assigns, be, and they are hereby, made a body-corporate and politic, under the corporate name of Coal and Iron Bank; and by such name shall have perpetual succession, and be capable of suing and being sued; may have a common seal, and alter the same at pleasure; may have power to contract and be contracted with, and acquire, hold and transfer real and personal property, and do any and every other thing necessary, proper and convenient to be done to carry out and facilitate the purposes of this corporation.

Capital stock. § 2. The capital stock of this corporation shall consist of two hundred thousand dollars, to be divided into two thousand shares of one hundred dollars each; which may be increased at any time by a vote of the stockholders to any amount not exceeding one million dollars. If the stock be increased at any time, the stockholders shall have the privilege of subscribing for the increased stock in the proportion of their holdings of stock at the time such increase may be voted. Any stock subscribed for shall be paid for in cash at par, as and when called by the board of directors. No stockholder shall be liable for more than the amount of his stock subscription.

Subscription of stock. § 3. The above named corporators, and after this corporation is organized, the directors, may open books for subscriptions to the capital stock of this company, at such time and place and for such length of time as they may see fit. As soon as five hundred shares, fifty thousand dollars of the capital stock, has been subscribed, and two hundred and fifty shares,

twenty-five thousand dollars, paid in, this company may be organized and may begin business; but all the stock must be paid in within twelve months.

§ 4. This corporation shall be governed by a board <sup>Board of directors.</sup> of not less than five or more than nine directors, all of whom shall be stockholders, and who shall be annually elected by the stockholders, and hold their offices until their successors are elected and qualified. The above-named incorporators, or a majority of them, shall constitute the board of directors until their successors are elected and qualified. The board of directors shall elect from their number a president and vice-president, and shall have power to fill vacancies in their number. They shall have power to appoint a <sup>Powers and duties.</sup> cashier and teller, and such other officers and agents as they may deem necessary, and may take from them such bonds and security for the faithful performance of their duties as they, the said directors, may think reasonable and proper. The board of directors shall have power to adopt such by-laws, rules and regulations, for the government of the officers, agents and employes of this company, and for the general management and control of its business, not inconsistent with the general laws of this State, as they may deem necessary or proper. The by-laws shall provide for the election of directors, and for annual and extraordinary meetings of the stockholders, at which meetings each stockholder shall be entitled to one vote for every share of stock held by him, which vote may be cast in person or by written proxy. The Coal and <sup>Branch bank.</sup> Iron Bank shall have power to establish a bank in Middlesborough, Kentucky, and to do a general banking and financial business, and to loan and borrow money, discount promissory notes and bills of exchange; buy, sell and deal in exchange, promissory notes, bills of exchange, stocks, bonds, debentures, and other securities and things.

§ 5. The said bank may acquire, hold, possess, use, <sup>May acquire property.</sup> occupy and enjoy all such real or personal property,

goods, chattels, or other things, as may be convenient for the transaction of its business, or which may be pledged or conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment or decree; and may lease, sell, convey, or otherwise dispose of the same as a natural person may do: *Provided*, That no real estate taken as security for debt, or purchased in satisfaction of any debt, judgment or decree, shall be held over five years.

§ 6. All promissory notes payable to any person or persons, or to a corporation, and payable and negotiable at the bank aforesaid, or at any bank incorporated under any law in this Commonwealth, or organized in this Commonwealth under any law of the United States, which shall be indorsed to, and discounted by, the said Coal and Iron Bank, shall be, and they are hereby, placed on the same footing as foreign bills of exchange.

Advances on  
securities.

§ 7. The said bank shall have power to make advances on approved securities of any kind; and it may receive stocks, bonds and other things in pledge for the security of money loaned or debts owing, and sell the same, except real estate, on the non-payment of the debt or demand at the stipulated time of payment, on ten days' notice to the party, according to any agreement made between the parties, in writing, at the time of loan or renewal thereof, and pass a good title to the purchaser; and any power given for that purpose shall be irrevocable until the debt or demand is paid or duly tendered. Said bank may receive deposits of gold, silver, bank notes, United States Treasury notes, or other currency, and pay the same in kind, or as may be agreed upon by special or general contract; and may allow interest on deposits, not to exceed the rates allowed by the laws of this Commonwealth. It may issue certificates of credit, payable throughout the United States and elsewhere, for the convenience of merchants and travelers, but shall not issue any notes or bills to circulate as money.

§ 8. If any officer of the bank shall appropriate <sup>Penalty.</sup> any funds of said bank to his own use, or shall willfully fail to make correct entries, or knowingly make false ones on the books of said bank, with intent to cheat or defraud the corporation or other person, such officer shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the penitentiary of this Commonwealth for a period of not less than two nor more than ten years.

§ 9. The stock of said bank shall be deemed per- <sup>Liability of</sup>sonal property, and shall only be assignable in <sup>stock.</sup> accordance with such rules as the board of directors shall, from time to time, prescribe.

§ 10. This act shall take effect from and after its passage.

Approved February 18, 1890.

## CHAPTER 201.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Danville," approved March tenth, one thousand eight hundred and seventy-three.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Danville," approved March tenth, one thousand eight hundred and seventy-three, be, and the same is hereby, amended as follows: The limits of said town <sup>Boundary.</sup> are changed and extended as follows: Beginning at the northwest corner of said town and running in a western direction, on a straight line with the north boundary of said town, to the track of the Cincinnati Southern Railway; thence with said railroad track in a southern direction to the center of the railroad bridge over a branch running out from John T. Fack-

Exception.

ler's spring ; thence in an eastern direction with said branch to "Clark's Run ;" thence down Clark's Run, still in an eastern direction, with the center of same to the center of the bridge on the Danville and Hustonsville Turnpike Road, an extension of Second street ; thence in a northern direction with the center of said pike to the town limits as it now exists : *Provided*, That no land within the extended boundaries herein provided for, that are used for agricultural or horticultural purposes, and are not within or adjacent to the built up portion of the said town, shall be taxed for municipal purposes.

Wards.

§ 2. *Be it further enacted*, That said town be, and the same is hereby, divided and laid off into six wards as follows : Beginning at a point in the center of the main track of the Cincinnati Southern Railway and the Danville and Lebanon Turnpike Road, and running thence in an eastern direction with said turnpike road and Walnut street to College street (the street east of Centre College) ; thence south with said College street, and its extension across Russell's lane, to Fackler's lane ; thence east with said Fackler's lane to Gas-house lane ; thence still east with Gas-house lane and its extension to Second street ; thence north with Second street to Green street ; thence west with Green street to Third street ; thence north with Third street to Main street ; thence east with Main street to First street ; thence north with First street to Broadway street ; thence east with Broadway street to the alley running east of the white public school-house ; thence with said alley in a northern direction to Lexington street ; thence east with Lexington street, and its extension south of Joe Coffey's house, to the eastern boundary of the town limits ; thence in a southern direction with said town limits to the southeast corner of said town limits ; thence in a western direction with the limits of said town to the center of Second street ; thence in a southern direction with the Danville and Hustonsville Turnpike Road to the center of the



bridge across Clark's Run; thence in a western direction with the southern limits of said town, as herein laid out, to the center of the bridge across Fackler's spring branch on the railroad; thence in a northern direction with the main track of said railroad to the center of the crossing of said railroad and Lebanon and Danville Turnpike Road, the beginning. This boundary shall constitute ward number one of said town.

Ward number two is bounded as follows: Beginning at the intersection of Walnut and College streets (the street just east of Center College); thence in a southern direction with said College street and its extension across Russell's lane to Fackler's lane; thence with said Fackler's lane in an eastern direction to Fourth street; thence in a northern direction with Fourth street to Green street (the street running south of Mrs. Batterston's); thence in a western direction with Green street and its extension to where same would intersect with an extension of Fifth street; thence in a northern direction with said extension of Fifth street to Main street; thence with Main street in a western direction to Harrodsburg avenue; thence in a northern direction with said street to the town limits; thence in a western direction with said town limits to the railroad, the northwest corner of said town as herein laid off; thence in a southern direction with said railroad and town limits to the center of said railroad, and the Lebanon and Danville Turnpike or the extension of Walnut street; thence in an eastern direction with said Walnut street to the beginning. The boundary contained therein shall constitute ward number two of said town.

Ward number three is bounded as follows: Beginning at the crossing or intersection of Fourth street and Fackler's lane, and running thence in an eastern direction with the street between the Old Factory House and the Gary House, and the extension of

same to Second street; thence in a northern direction with Second street to Green street; thence in a western direction with Green street to Third street; thence in a northern direction with Third street to Main street; thence in a western direction with Main street to Fourth street; thence in a southern direction with Fourth street to the beginning. Said boundary shall constitute the third ward of said town.

The fourth ward of said town is bounded as follows: Beginning at the intersection of Green and Fourth streets and running thence in a northern direction with Fourth street to Broadway street; thence in a western direction with Broadway street to Fifth street; thence in a northern direction with Fifth street and its extension to the north boundary line of the town limits; thence in a western direction with said limits to Harrodsburg avenue; thence in a southern direction with said Harrodsburg avenue to Main street; thence in an eastern direction with Main street to Fifth street; thence in a southern direction with Fifth street and its extension to where same would intersect with an extension of Green street; thence in an eastern direction with said extension of Green street to Fourth street, the beginning. Said boundary shall constitute the fourth ward of said town.

The fifth ward of said town is bounded as follows: Beginning at the crossing of Main and Fourth streets, and running thence in a northern direction with said Fourth street to Broadway street; thence in a western direction with Broadway to Fifth street; thence in a northern direction with Fifth street and an extension of same to the northern boundary limits of said town; thence in an eastern direction with said boundary limits to the Danville and Pleasant Hill Turnpike Road; thence in a southern direction with said turnpike and Third street to Main street; thence in a western direction with Main street to Fourth street, the beginning. The above boundary shall constitute the fifth ward of said town.

The sixth ward of said town is bounded as follows: Beginning at the crossing of Main and Third streets; thence in a northern direction with Third street and Danville and Pleasant Hill Turnpike Road to the town limits; thence in an eastern direction with said town limits to the northeast corner of said town limits; thence in a southern direction with said town limits where the same would intersect an extension of Lexington street; thence in a western direction with the extension of said Lexington street, running on the south side of the house now occupied by D. Ingram, and then with Lexington street proper to the lane leading out from the public school-house to Lexington street, and running thence in a southern direction with said lane or alley to Broadway street; thence in a western direction with said Broadway street to First street; thence in a southern direction with said First street to Main street; thence in a western direction with Main street to Third street, the beginning. The above boundary shall constitute ward number six of said town.

§ 3. That upon the first Saturday in April annu- Elections.  
ally a poll shall be opened in each of said wards, as herein laid out, for the election of two councilmen from each ward, and the voters in each ward, qualified as hereinafter stated, may vote in their respective wards for two male citizens of said wards, with the qualifications hereinafter specified, to represent them in the board of the town council. The judge of the Boyle County Court shall appoint two discreet persons to act as judges, and also a clerk and sheriff, citizens of their respective wards, in each of said wards to conduct said election, who shall take an oath before some person qualified to administer oaths to faithfully perform their duties; and it shall be the duty of the judges of said election in each ward to compare the poll-books after the polls close on the day of election, and make a statement in writing, signed by them, of the number of votes received

Qualifications.

by each candidate, and to certify the names of those elected, and to return same, together with said poll-book, to the clerk of the Boyle County Court; and it shall be the duty of said clerk to issue certificates of election to those thus elected. On the Saturday following their election said councilmen thus elected, having taken an oath before some person empowered to administer oaths that they will faithfully and without affection to any one discharge the duties that may devolve upon them, shall meet and organize by electing one of their number mayor of the town, whose duty it shall be to preside over the meetings of the board of council, and approve and sign all ordinances, acts and resolutions passed by said board. Seven of the members of said council shall constitute a quorum to transact business. The members of the town council shall be elected for twelve months, and may hold their said offices until their successors are elected and qualified. No person shall be eligible to the office of councilman who has not resided in the town for one year next preceding his election, and who has not been a citizen of the ward in which he lives thirty days next preceding said election, and who is not a freeholder in said town, and who can not read and write. In said board of council and their successors in office shall be vested the fiscal and prudential affairs of the town of Danville, and they shall be a body-politic and corporate; and by the name and style of the board of council of the town of Danville shall be known and shall have perpetual succession; and may sue and be sued in all courts of law and equity in Boyle county; may contract and be contracted with, and do and perform all other corporate acts under said name.

Duties of board.

§ 4. The board of council, at their first meeting after they have elected a mayor, or at some adjourned meeting if they should see proper for any cause to postpone same, shall annually elect a clerk for said

board, a treasurer, an assessor, a recorder, a city attorney and a chief of police for said town of Danville; all of whom shall be elected for a term of one year, and shall hold their respective offices until their successors are elected and qualified. The clerk thus elected for said board may be sworn into office the same day of his election; the other officers thus elected may be sworn into office the third Saturday in April of each year. No member of the council shall be eligible, or shall hold either of said positions while he is a member of the board of council.

§ 5. The board of council of said town shall have Powers. all the powers and be subjected to the same duties that the board of trustees of the town of Danville now have under article three and four of the charter of said town, approved March tenth, one thousand eight hundred and seventy-two, and the amendments thereto, in every respect, with the additional powers herein given said board of council except as may be herein changed or repealed.

§ 6. The clerk of said board of council, elected as Duties of clerk. herein provided for, shall have the same duties and qualifications, and be under the same responsibilities, as is now required of the clerk of the board of trustees of said town under section one of article five of said charter of the town of Danville and amendments thereto.

§ 7. The treasurer of said town, elected by the board Duties of treasurer. of council as herein provided for, shall have the same duties and responsibilities, and be under the same restrictions, that the treasurer of the town of Danville now has and is under section two of article five of said town charter and the amendments thereto.

§ 8. The assessor of said town, elected by the board Duties of assessor. of council as herein provided for, shall have the same qualifications and the same duties, and be under the same restrictions, that the assessor of said town now has and is under section three of article five of said town charter and the amendments thereto.

**Duties of chief of police.** § 9. The chief of police, elected by the board of council as herein provided for, shall have the same qualifications and the same duties and powers, and be under the same restrictions, that the marshal of the town of Danville now has and is under sections fifteen, sixteen and eighteen of article six of the charter of the town of Danville and the amendments thereto, except as herein changed and amended.

**Duties of attorney.** § 10. The attorney for said town, elected by the board of council as herein provided for, shall have the same qualifications, the same duties and the same compensation, and the same restrictions, as the attorney of the town of Danville now has under sections eleven, twelve, thirteen and fourteen of article six of said charter of the town of Danville and the amendments thereto, subject to the changes here made.

**Police court.** § 11. The police court of Danville, heretofore established by law, shall have and possess, concurrently with the Boyle Circuit Court, jurisdiction of all inquests of idiots and lunatics, and of no other cases. The judge of said police court shall be elected as now prescribed by law, and shall have the power to try writs of lunacy and none other. For his services he shall receive the sum of ten dollars per annum salary, to be paid on the order of the board of council of said town.

**Powers of marshal.** § 12. The marshal of Danville shall be elected as now prescribed by law, but shall exercise and perform no powers or duties except to execute the processes of the police court of Danville, for which he shall receive the fees now allowed by law, and he shall not receive any fees or salary for any other service whatever.

**Recorder's court.** § 13. There shall be established in said town of Danville a court to be called "The Recorder's Court of the town of Danville," which shall be held by the recorder elected by the board of council as herein provided, who shall receive for his services such sum as the

board of council shall fix, in addition to his fees allowed by law. Said court shall have the same jurisdiction and the same powers that the police court of Danville now has under sections three, four, five, six, seven, eight and nine of article six of the charter of the town of Danville and the amendments thereto. Section ten of said article is amended by inserting the name of "chief of police" for that of marshal, where same occurs in said section, and by inserting "recorder" for police judge, where same occurs in said section.

§ 14. That wherever the words the "board of trustees" appears in that portion of said charter of the town of Danville not herein repealed, the words the "board of council" of the town of Danville shall be substituted therefor, and wherever the words "police judge" and "police court" appear in said unrepealed portions of said charter of the town of Danville, the words "recorder" and "recorder's court" shall be substituted therefor.

§ 15. *Be it further enacted*, That the county judge and clerk and sheriff of Boyle county shall constitute a board which shall, between the twentieth and twenty-fifth days of February in each year, appoint four sober and discreet citizens in the town of Danville, two of whom shall act as judges of registration, one as clerk of registration, and the other one as sheriff of registration, in the town of Danville. No person shall be eligible as judge, clerk or sheriff who is not a voter in the town of Danville at the time he is appointed; and when there are two political parties, said officers of registration shall be so selected as that one of the judges shall be selected from each party. They shall serve for one year from the time of their appointment, and each officer of registration, before entering upon the discharge of his duties, shall take the oath prescribed by section one, article eight, of the State Constitution. The sheriff of Boyle county shall, on the next day after said registration officers are appointed,

Judges of registration.

give each of said officers of registration notice of his appointment. Should the board fail to appoint, or should all or any of the officers appointed fail to attend at the place of registration for one hour after the time for commencing the registration, or refuse to act, then the county judge, sheriff or clerk, or either of them that can be found, shall appoint officers to act in their stead for that registration; officers of registration shall have the same power to preserve order at the places of registration as is exercised by officers of election at the polls; if the officers of registration entertain any doubt as to whether or not any person offering for registration is entitled to such registration, or if any one's right to register is challenged, witnesses may be called and examined, touching the qualifications of such person or persons who offer to register, and in case the two judges do not agree as to the right of the party offering to register, the clerk shall settle the matter by his vote on the question.

Registration  
book.

§ 16. It shall be the duty of the county clerk of Boyle county to prepare one registration book for each ward in the town of Danville, and furnish them to the clerk of registration, before each registration herein provided for; he shall mark each registration book with the number of the ward that it is provided for. Said book shall be so arranged as that the names of voters may be registered therein alphabetically, and shall be ruled and headed as follows: Name, residence, color, amount of taxes, when paid.

Day of registra-  
tion.

§ 17. The officers of registration shall attend at the court-house, in Danville, Kentucky, on the fourth Monday in March in each year, and on the two next succeeding days from the hours of eight o'clock in the morning until six o'clock in the evening; and shall record in the registration books, which shall be furnished them by the clerk of the county court, a list of such qualified voters as may apply for registration, being careful to record the names of such qualified



voters in the books prepared for the ward in which the applicant resides. Said list of voters shall be in alphabetical order, and shall show the name of the person registered, whether he be white or colored, residence, amount of taxes, and when same was paid; no person shall be registered who does not personally appear before the officers of registration, and if he be not known personally to one of the officers, and any by-stander shall demand it, he shall be sworn by one of the officers and interrogated by him touching his qualifications as provided in this act. No person shall be registered who has not paid his town taxes in full for the year previous to the time he apply for registration. The evidence of the payment of said taxes in full shall be the exhibition of the receipt executed to the party applying for registration by the tax collector for that year, or the entry of payment by the tax collector on his books for that year; and for the purpose of giving the applicants for registration the benefit of the evidence of the payment of his taxes in full for the year required, the tax collector for said town of Danville shall meet with the registration officers, and remain with them, with his said tax book for said year, to show who has and who has not paid their taxes for that year; or he may leave his said tax book for that year with the clerk of the registration board, and said board may use same to learn who has or has not paid their taxes for the year required.

§ 18. Every person shall be entitled to be registered Qualifications. who will be entitled to vote at the next succeeding April election; that is to say, every male citizen of the town who on that day shall have attained the age of twenty-one years, and shall have resided in the town one year and in the ward in which he offers to register thirty days, and has paid his town taxes in full for the previous year.

§ 19. It shall be the duty of the clerk to record the Duty of clerk. names of the applicants for registration who have

been decided to be entitled to register, in the book representing the ward in which the applicant resides, and at the close of the registration he shall sign his name as clerk after the last name recorded in each book, in such manner as that no more names can be recorded above his; and shall foot up and certify in the back of each of the registration books the whole number of names recorded at that registration in that ward, and this certificate shall be signed by all the officers of registration before leaving the place of registering. In addition to the requirements above, the clerk shall sign his name as such clerk at the foot of each page.

Comparing the books.

§ 20. On the day following the close of the registration the clerk shall deliver the registration books into the hands of the clerk of the Boyle County Court, or one of his deputies. It shall be the duty of said county clerk to keep said books safely in his office, and not to suffer the same to be taken therefrom, except as provided in this act; he shall also cause a copy of each of said registration books thus returned to him to be made out before the first Saturday in April, which copies shall be kept in his office, and shall not be taken therefrom for any purpose. In case of loss of any registration book, a copy shall be made by the county court clerk from the copy retained in his office, which copy thus made shall be used in elections with the same effect as the original. For his services under this act the county clerk shall receive the following fees for copying the registry list required to be kept in his office, or to be used in supplying lost books: The sum of three cents for each voter whose name is so copied; for preparing the registration books he shall receive fifty cents for each book prepared, and for preparing the poll-books for the election, which it is here made his duty to prepare, he shall receive the sum of fifty cents each. The officers of registration shall receive two dollars per day for each day employed in attending at the

place of registration. The town of Danville shall pay all fees and expenses incurred under this act for registration.

§ 21. Any officer of registration or other person <sup>Penalty.</sup> who shall unlawfully alter any registration book, or add any names thereto, or who shall willfully secrete, suppress or destroy any such book, or who shall make or aid in making any false or fraudulent registration book, shall be deemed guilty of a felony, and shall be confined in the penitentiary not less than one nor more than five years. Any person who shall willfully make any false statement, under an oath lawfully administered under this act, shall be deemed guilty of false swearing, and be confined in the penitentiary not less than one nor more than five years.

§ 22. There shall be a poll opened in each of the <sup>Election.</sup> six wards in the town of Danville on the first Saturday in April, between the hours of six o'clock ante meridian and six o'clock post meridian, annually, for the election of two councilmen from each ward, as provided for in this act, at which election no person shall vote who has not registered as herein provided for; and all persons in the town of Danville whose names appear on the registration books shall be entitled to vote at said election in the ward in which he is registered, provided he does or has not moved out of said ward after he registered. The clerk of the Boyle County Court shall prepare the poll-books for said election, one for each ward, and shall deliver each poll-book, together with the registration book for that ward, to the clerk of election in that ward appointed as herein provided for.

§ 23. All acts or parts of acts in conflict with this act are hereby repealed.

§ 24. This act shall be in force from and after its passage.

Approved February 18, 1890.

## CHAPTER 202.

AN ACT to legalize the leasing of certain turnpike roads in Gallatin county.

WHEREAS, The General Assembly of the Commonwealth of Kentucky by an act, entitled "An act authorizing the Gallatin County Court to provide for keeping up certain turnpike roads in said county," approved March fifteenth, one thousand eight hundred and eighty-eight, provided that within six months after the passage of said act the Gallatin County Court should appoint a commissioner to advertise and let out turnpike roads in said county in accordance with the provisions of said act; and said county court having failed to appoint a commissioner within the time provided, did, after the expiration of six months from the time said law was enacted, namely: on the eleventh day of March, one thousand eight hundred and eighty-nine, appoint a commissioner to let out said turnpikes, who proceeded to comply in all respects with said law, and leased to Florian Cox and H. T. Chambers the entire turnpike roads known as the Sugar Creek and Stephens Creek Turnpike, and also the one known as the Stephens Creek and Carroll County Line Turnpike, and executed to said lessees a written transfer of said turnpike roads for the term of thirty years from the fifth day of April, one thousand eight hundred and eighty-nine, which lease was reported to and approved by the Gallatin County Court on the said fifth day of April, one thousand eight hundred and eighty-nine; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the order of the Gallatin County Court appointing said commissioner to let out said turnpike roads, made on the eleventh day of March, one thousand eight hundred and eighty-nine, and the lease

made and reported by said commissioner to and approved by said court on the fifth day of April, one thousand eight hundred and eighty-nine, be, and the same are hereby, legalized.

§ 2. That this act take effect and be in force from and after its passage.

Approved February 19, 1890.

### CHAPTER 203.

AN ACT to prevent hogs from running at large in the county of Bullitt, and to provide a penalty therefor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful, after this act goes into effect, to permit, in the county of Bullitt, any hog or swine to run at large outside of the inclosure of the owner or keeper ; and whoever, being the owner or keeper, or having possession or under his control any hog or swine, shall suffer the same to run at large outside of his inclosure, shall be fined not less than two nor more than five dollars for every such offense. Hogs not to run at large.

§ 2. The running at large or herding of such stock upon the public highway, or on any uninclosed land, without the consent of the owner or person having the control of such lands, shall be deemed a running at large under this act.

§ 3. Any hog trespassing within the inclosure of any person in said county after this act goes into effect may be taken up and confined to prevent the commission of damage. The taker-up shall forthwith notify the owner of such stock of such confinement, if known to him, when, if the owner or person controlling such stock shall fail, for twenty-four hours after notice, to receive such stock and take care of them, he shall be fined one dollar, and shall be fined fifty

cents for every twenty-four hours he shall fail to receive and take care of same after such notice.

§ 4. Any person suffering damage from a breach or breaches of any hog unlawfully running at large in the county of Bullitt may recover compensatory damages therefor, in addition to said fine, in any court of competent jurisdiction; and he shall have a lien upon the trespassing stock for the payment of said damages; and it shall be no defense that the lands trespassed upon were not inclosed by a lawful fence: *Provided*, Said lien shall be dissolved unless suit is instituted for its enforcement within three months from the commission of the damage; and said lien shall not be enforced to the prejudice of a bona fide purchaser without notice before such is instituted to enforce said lien.

§ 5. Justices of the peace shall have exclusive jurisdiction of all prosecutions for a violation of the provisions of sections "one" and "three" of this act.

§ 6. All fines collected under this act shall be paid to the surveyor of roads in the road district where the offense shall be committed, and shall be expended on the public roads in said district.

§ 7. Before this act shall be enforced, it shall be submitted to the qualified voters of Bullitt county for their adoption or rejection, as hereinafter provided, and the same shall be in force whenever said act shall be ratified by a majority of the qualified voters of said county voting therein at any regular August election as provided herein; which election shall be held at the time or times according to the provisions of this act.

§ 8. It shall be the duty of the judge of the Bullitt County Court, upon a petition signed by at least twenty-five legal voters of the county, to enter up an order on the order-book of said court, at the regular term of said court after receiving said petition, requiring the sheriff of Bullitt county to open a poll at each voting precinct in the county,

at the regular August election, which shall be held not less than sixty days from the date of making said order, for the purpose of taking the sense of the legal voters in said county upon the proposition whether or not the species of stock named in this act shall be permitted to run at large in said county.

§ 9. It shall be the duty of the clerk of the Bullitt County Court to deliver to the sheriff of said county a certified copy of said order of the judge of the county court within ten days after said order is made; and it shall be the duty of the sheriff to have said order of the county court advertised by printed copies thereof, conspicuously posted in at least five public places in each voting precinct in the county, for at least thirty days preceding said election.

§ 10. The clerk of the county court of said county shall prepare two columns in the poll-books of said county for taking said vote, and a poll shall be opened at said regular August election in every election precinct in said county.

§ 11. The same officers appointed in Bullitt county to conduct the State and county election shall take the vote herein provided for. It shall be the duty of the clerk of each precinct to propound to each voter the question: "Are you for or against hogs running at large in this county?" And he shall enter each vote cast for and against same in the appropriate column in said poll-book.

§ 12. The poll shall be returned, examined and compared as other polls are returned, examined and compared, by the same officers as in State and county elections; and if it shall be ascertained that a majority of the votes cast in the county were against such stock running at large in the county, it shall be the duty of the examining board to make and sign a certificate of the fact, and to deliver said certificate

to the clerk of the Bullitt County Court, which shall be safely kept by said clerk until the next regular term of the county court; and the judge of the county court shall cause said certificate to be spread upon the order-book of his court, and said entry of such certificate on the order-book shall be conclusive evidence of the adoption of this act, and a certified copy of such entry shall be competent evidence in all legal proceedings.

§ 13. After the expiration of ninety days after the entry of said certificate in the order-book of the county court, the provisions of this act shall be in full force and effect in the said county of Bullitt.

§ 14. The poll to take the sense of the people under this act shall not be opened oftener than once in every two years until the same shall be adopted: *Provided*, That if this act shall not be ratified and adopted at the first poll opened therefor, the county judge shall not make the order for opening another poll thereafter until the petitioners have deposited with him a sufficient sum of money to pay clerk's fees and the cost of printing and posting notices as provided in this act.

§ 15. This act shall not be construed as to annul any town ordinance now in force prohibiting any stock from running at large in such town, nor to affect the jurisdiction of any police court concerning any town ordinance.

§ 16. This act shall be in force from and after its passage.

Approved February 19, 1890.



## CHAPTER 204.

AN ACT to amend the charter of the town of Warsaw, in Gallatin county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That article five of an act, entitled "An act creating a new charter for the town of Warsaw, in Gallatin county," approved March thirty-first, one one thousand eight hundred and eighty-four, be, and the same is hereby, repealed: *Provided, however,* That nothing in this act shall be construed or operate so as to prevent any person who may have judgments in the police court of said town from pursuing any or all of the remedies now provided by law for the collection of their said judgments.

§ 2. That all the books, papers and records of the Warsaw police court shall be turned over by the judge of said court to the clerk of the board of trustees of said town, who shall be the custodian of the same; and he is hereby authorized to make and certify copies of said records and issue executions upon any judgments that may be unsatisfied, with the same effect that said copies or executions would have if they had been made or issued by the police judge of said town before the repeal of said article.

§ 3. That the presiding judge of the Gallatin County Court, and the justices of the peace in the Warsaw district, shall have concurrent jurisdiction of all offenses against the ordinances of said town, and shall have power to commit offenders to jail pending a trial; and for all violations of the penal laws of the State or ordinances of the town, to impose such fines and penalties as may be prescribed by the laws of the State or ordinances of the town to the amount of fifty dollars and imprisonment not to exceed thirty days, or both, without the intervention of a jury, or without a jury, if it be waived by the party charged, to the

amount of one hundred dollars and imprisonment not to exceed fifty days, or both.

§ 4. It shall be the imperative duty of the court trying persons for offenses committed in said town against the laws of this State or the ordinances of said town, to commit to jail all persons who shall fail to pay or replevy immediately, with good personal security, the fines and costs of proceeding assessed against them; and unless such fines and costs shall be replevied or paid, the defendant shall be committed to jail, and be required by the judgment of said court to work on the streets or other public works of said town or county, at the rate of one dollar per day, under the marshal, until said fine and costs shall be paid; and the marshal shall use all necessary force that may be required to compel the defendant to work. The jailer of said county shall diet such person during the period he is performing such labor, and when not engaged at work shall receive him in jail, and keep him confined until the expiration of his term of service. In case the officer's fees are paid by labor as aforesaid, the trustees of said town shall allow and pay the same to them out of the treasury of said town. The fees of the jailer for dieting, and such services as he may be required to render, shall be the same as is now provided by general law, and shall be allowed by the board of trustees and paid out of the town treasury.

§ 5. That section one of article seven of said act be amended by striking out of the first line the words "judge of the police court," and inserting in lieu thereof the words, "the Gallatin County Court."

§ 6. That article nine of said act be amended by adding thereto the following words: That all money paid into the town treasury, arising from license for the sale of spirituous, vinous and malt liquors, shall be, by the treasurer of said town, paid over to the superintendent of common schools for Gallatin county, who shall receive the same and apply it to

the payment of the debt created for the public school building recently erected in said town of Warsaw, until said debt is extinguished ; and then all moneys arising from the same source shall be used for the benefit of the free school per capita in the town of Warsaw.

§ 7. This act shall take effect and be in force from and after the first day of April, one thousand eight hundred and ninety.

Approved February 19, 1890.

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## CHAPTER 205.

AN ACT for the benefit of colored common school district number sixteen, Todd county.

WHEREAS, By oversight of the superintendent of common schools for Todd county sixty-one (61) pupils, of record in the original census report of colored district number sixteen of said county, for the school year ending June thirtieth, one thousand eight hundred and eighty-eight, were omitted in the report to the Superintendent of Public Instruction ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his draft for the benefit of said school district for said school year on the Auditor of Public Accounts, in favor of John A. Dorris, county superintendent of common schools of Todd county, for the sum of one hundred and thirty-five dollars and forty-two cents (\$135.42), payable out of the common school fund for the present school year ending June thirtieth, one thousand eight hundred and ninety.

§ 2. This act shall take effect from its passage.

Approved February 20, 1890.

## CHAPTER 206.

AN ACT to amend an act, entitled "An act to amend, digest and reduce into one all the acts incorporating the city of Lexington," approved April nineteenth, one thousand eight hundred and eighty-two, and all acts amendatory thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Sewerage.

§ 1. The general council may establish and provide for a general system of sewers, and have made all necessary surveys, estimates and regulations required in having an effective sewerage system for the city. That said sewerage system shall be divided in public or main sewers, to be constructed at the cost of the city and district, and private sewers to be constructed at the cost of property-owners ; and shall establish all proper regulations needed in executing the power given in this section.

Taxation.

§ 2. The general council may provide for the semi-annual payment of city taxes, except license taxes, instead of the annual payment now required, and in that event one-half of each year's taxes shall be due and payable on July first, and the balance on January first following.

Elections.

§ 3. The general council may appoint or provide for the election, by the qualified voters of the city, of an auditor and assessor, and may appoint such assistant assessors, with power to perform any of the duties of the assessor, as may be required of them by the general council. The general council shall prescribe rules and regulations to govern such assessors and assistant assessors in the efficient discharge of their duties, allowing reasonable compensation for the services of said assistant assessors. The employment of assistant assessors by the general council, heretofore made, for the year one thousand eight hundred and ninety, is hereby legalized and made of full force and effect.

§ 4. Section four of an act to amend the charter of the city of Lexington, approved April nineteenth, one thousand eight hundred and eighty-two, be, and the same is hereby, re-enacted, except that at all general and special elections, held for municipal purposes, all voters, in addition to the qualifications of residence and citizenship, shall have paid their capitation tax, to be collected as other taxes for the preceding year, four days prior to said election, and except as modified by the provisions of this act. Poll-tax.

§ 5. All acts or parts of acts in conflict with the provisions of this act are hereby repealed; and this act shall take effect from and after its passage.

Approved February 20, 1890.

## CHAPTER 207.

AN ACT to legalize certain acts of J. E. Dawson, done as deputy county court clerk of Daveiss county.

WHEREAS, Heretofore J. E. Dawson was appointed and duly qualified according to law as deputy clerk of the Daveiss County Court while he was holding the office of county surveyor of said county; and under mistake of the law, believing said offices to be compatible, did take certain acknowledgments to deeds and instruments of writing, and performed other acts as said deputy county court clerk while he held the office of county surveyor; now,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the acts and acknowledgments of J. E. Dawson, made and done by him as deputy clerk of the Daveiss County Court while he was holding the office of county surveyor of Daveiss county, be, and the same are hereby, ratified and made valid, legal and binding, as if said Dawson had only held the office of deputy clerk as aforesaid.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 20, 1890.

## CHAPTER 209.

AN ACT empowering the municipalities in Campbell county to regulate the observance of Sunday therein.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the several boards of trustees and councilmen of the several towns and cities in Campbell county, are hereby invested with power to regulate, by ordinance, what work or business, and the time, place and manner in which it shall be allowed to be done or conducted on Sunday, and prohibiting all other work or business on said day, and to punish any violation thereof by fine not exceeding one hundred dollars.

§ 2. That section ten of article seventeen of chapter twenty-nine of the General Statutes shall not apply to said towns and cities.

§ 3. That this act shall take effect from and after its passage.

Approved February 21, 1890.

## CHAPTER 210.

AN ACT to provide for the incorporation of Young Men's Christian Associations of the State of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Aims and purposes.

§ 1. Any twenty or more persons, being citizens and residents within this State, and having associated themselves as a Young Men's Christian Association for the improvement of the spiritual, mental, social and physical condition of young men, by the support and maintenance of lecture-rooms, libraries, reading-rooms, religious and social meetings, gymnasiums, and such other means and services as may conduce to the accomplishment of that object accord-

ing to the general rules, aims, methods and regulations of the State Executive Committee of the Young Men's Christian Association of this State, may make, sign and acknowledge, before any officer authorized to take acknowledgments of deeds in this State, and with the approval of the State Executive Committee, filed in the office of the clerk of the county court of the county in which such association is to have its principal office, a certificate in writing, with the approval of the State Executive Committee indorsed thereon, and cause said certificate and its indorsement to be recorded in the corporation book in said office, in which certificate shall be stated the object of such association to be that above set forth; the place wherein the principal office is to be located; the distinctive name of said association, as, for example, the "Young Men's Christian Association of ———," (naming the place); the name of the president, and the number and names of the directors or managers of such association for the first year of its existence, as well as the names of the other members of said association at the time of organizing; and also the names of not less than four trustees, who, together with the president of the association, shall form a board of trustees, to hold and control the real property of such association.

§ 2. Upon filing a certificate as aforesaid, the persons who shall have signed and acknowledged such certificate, and their associates and successors, shall thereupon, by virtue of this act, be a body-politic and corporate, by the name of "The Young Men's Christian Association of ———" (the place named in said certificate); and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued; and they and their successors may have and use a common seal, and the same may alter and change at pleasure; and they and their successors, by their corporate name, shall in law be capable of taking,

## CHAPTER 213.

AN ACT to establish a county board of commissioners for the county of Pendleton, and to define their duties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Districts.

§ 1. That the county of Pendleton shall be divided into three commissioner's districts, as follows: The magisterial districts, numbers one and two, shall constitute the first commissioner's district; numbers three, four and eight shall constitute the second, and numbers five, six and seven the third district.

Election.

§ 2. At the regular August election, in the year one thousand eight hundred and ninety, there shall be elected one commissioner from each of the above described districts, who shall be voted for only by the qualified voters of the district in which he resides, whose term of office shall commence on the first Monday in the succeeding September, when they shall qualify and enter upon the discharge of their respective duties, first having given good and sufficient bond, with approved security, for the faithful performance of their respective duties.

Terms.

§ 3. The term of office of said elected commissioners shall be one for three years, one for two years, and one for one year; and at their first meeting they shall determine by lot which shall serve the respective terms. At each succeeding August election there shall be one commissioner elected, whose term of office shall be three years, to take the place of the one whose term of office shall expire. If, at any time, a vacancy shall occur, the county judge shall fill said vacancy by appointment until the next August election, when one shall be elected to fill said vacancy. The county judge shall be ex officio member of the board of commissioners; he shall attend all of the meetings of said board, and, by virtue of his said office, shall preside as chairman of said board, and as

Vacancy.



such shall sign all the orders and record all of their proceedings; he shall not vote on any question pending before said board, except in the case of a tie vote; he shall then give the casting vote; and in the absence of the county judge, or upon his failure from any cause to be present and so preside at any meeting of said board of commissioners, they shall then select one of their number to preside as chairman *pro tempore*, who shall perform the same services, and exercise the same powers and authority, to the same extent as the county judge would if he were present.

§ 4. The county clerk shall be the clerk of the Clerk's duty. board of county commissioners, and under the orders thereof shall procure all record books, in which he shall keep a full and detailed record of all proceedings of any and all meetings of any or all of said commissioners, and he shall keep said books fully and carefully indexed and preserved among the records of Pendleton county, at the clerk's office in said county. All books shall be paid for on order of said board out of the county fund.

§ 5. All meetings of full board shall be held at the Meetings. court-house in the town of Falmouth, on Tuesday after the first Monday in November and January of each year, and at such other times as in the judgment of the board they may deem proper.

§ 6. The said board shall have charge of and trans- Powers and duties. act any and all business heretofore transacted by the court of claims, and shall be governed by and subject to the same laws and penalties; and all acts and parts of acts creating a court of claims for the county of Pendleton are hereby repealed, so far as they apply to said county, to take effect as soon as said commissioners are elected and qualified; all other county officers shall sustain the same relation to said board that they now do to the court of claims.

§ 7. Contested elections of commissioners shall be Contested elections. tried and decided in the same manner and by the same

board as is authorized by law for those of county judge.

Duties of board. § 8. It shall be the special duty of the board of commissioners to take charge of the county building and property of every description, also all county roads and county bridges in said county, and preserve the same from waste; and when necessary to build or repair, or in any way improve any of the said buildings or property belonging to said county, or to build or repair any bridge and approaches thereto on any county road, which shall require a sum of money to do the same, said commissioners shall immediately cause the erection of all such buildings, bridges, approaches, or repairs thereon as may be necessary, at the expense of the county.

§ 9. The per diem of the board of commissioners shall not exceed three dollars per day necessarily spent in the transaction of said business, to be fixed by said board and paid out of the county fund.

Secretary of State to furnish books. § 10. After the passage of this act, and upon the application of the county clerk of Pendleton county, the Secretary of State shall furnish said clerk with two copies of the General Statutes and three copies of the Session Acts of the Legislature for the years one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety, and the clerk shall, immediately on the receipt of such books, deliver to each of said commissioners a copy of each book for use during his term of office, who shall, at the expiration of their respective term of office, deliver all such books or other public property to their successors in office.

§ 11. This act shall be in force from and after its passage.

Approved February 21, 1890.

## CHAPTER 214.

AN ACT to incorporate the Dime Savings Bank of Owensboro.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That there is hereby established and created Bank established. a bank of savings, deposit and discount in the city of Owensboro. The subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of "The Dime Savings Bank;" and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, and of answering and defending, in all courts and places whatsoever. It may have a corporate common seal, and change and renew the same at pleasure.

§ 2. That said bank may be under the control and Directors to control. direction of three or more directors, to be elected by the stockholders, and shall serve one year, or until their successors shall be elected and qualified. The directors may select annually a president from their number, and such other officers and employes as may appear for the interest of the bank. The stockholders may meet and elect the said three directors, or more, when one thousand shares shall be subscribed, and fifty per cent. thereof paid. J. H. McCallister, R. M. Clark, W. M. McCarty, S. B. Howard and R. S. Saunders, or any two of them, may, at such time, place and in such manner it suits their convenience, open books for subscription for the capital stock, which shall be ten thousand dollars, divided in shares of ten dollars each; and said corporation may commence business Commence business. as soon as the said fifty per cent. of one thousand shares have been paid in, and the president or cashier shall have made oath to the fact of such payment before judge, justice or notary.

§ 3. That the directors shall have power to receive Receive subscriptions. subscriptions for so many shares of stock of said

corporation remaining unsold as they may at any time choose to sell; to declare dividends of the profits arising out of the business, and pay such wages and salaries to the officers and employes, and take from them such bonds to secure the faithful performance of their duties, as they may think reasonable and proper. In case of the death or resignation of any director, the vacancy can be filled by the board of directors. The stock shall be deemed personal, and shall be assignable only on the books of the bank, upon such rules as the board of directors shall, from time to time, establish; but said corporation shall have a lien on the stock to secure any unpaid balance thereon. For the contracts of the corporation each stockholder shall be individually responsible to the amount of stock held by him in said corporation. The capital stock of said bank may be increased, from time to time, to two hundred thousand dollars, as the president and board of directors may deem advisable and proper, but not to exceed that amount: *Provided*, That fifty per cent. of any increase shall be paid up in cash.

Deposits.

§ 4. Married women and minors may become stockholders in said bank the same as other persons, and may make deposits in same, and the receipts and acquittances of such married women and minors shall be valid.

Business.

§ 5. That said bank may transact business as a natural person may; may loan money, discount promissory notes or bills of exchange; may buy and sell gold and silver coin, exchange, stock or other securities, and all other evidences of indebtedness, and may do a general banking business, except that it shall not have power to make or issue notes of its own. The promissory notes and bills of exchange made negotiable and payable at its banking-house, or at any other banking-house when discounted by the bank, shall be, and they are hereby, put upon the same footing of foreign bills of exchange, and like remedy may be

had thereon, jointly and severally, against the makers, drawers and indorsers. The said bank shall have the power to make advances upon approved securities upon agricultural products, including growing crops, and upon all manufactures and fixtures as personal property. It may receive in pledge, or as security for money loaned or debts owing it, bonds, stock, produce and merchandise, United States vouchers, certificates or bonds of indebtedness, or the bonds of this or any other State, city, or county or company incorporated by the United States or any other State, and sell the same on non-payment of the debt or demand by ordinary judicial proceedings.

§ 6. That said bank may receive deposits of gold and silver coin, and bank notes or other notes which may be in circulation as money, and repay the same in such manner, at such times and with such interest, not exceeding six per cent. per annum, as may be agreed upon with the depositors by special or general contract.

§ 7. That said bank may acquire, hold, possess, use, occupy and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or to further the object of its creation, or which may be conveyed to it as surety of any debtor purchased to aid in the satisfaction of any debt, judgment or decree: *Provided*, Said bank shall not hold such real estate longer than five years, and sell and convey the same. Said board of directors may make such by-laws for their government, and amend the same from time to time, as they may deem necessary.

§ 8. This act to take effect from its passage.

Approved February 21, 1890.

## CHAPTER 215.

AN ACT to secure a more uniform and equal distribution of jury service among the citizens of the county of Jefferson and of the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the assessor for the county of Jefferson shall furnish in a well bound book the names of all house-keepers (and their residences), in alphabetical order, within the county of Jefferson and the city of Louisville, which shall be lodged with the clerk of the Jefferson Circuit Court for safe-keeping, to be used by the jury commissioners, whose duty it is to select jurors for the Jefferson Circuit Court, the Jefferson Court of Common Pleas, and the Louisville Law and Equity Court, and he shall be entitled to a reasonable fee for his services to be paid by said county and city.

§ 2. That said commissioners shall write the names of all persons contained in said book on slips of paper prepared for the purpose, each slip to represent one person, and they shall verify the number by counting the names in said book and comparing the same with the number of slips, and they shall then deposit all of said slips in a box to be kept for the purpose.

§ 3. That the clerk of the Jefferson Circuit Court shall provide two substantial boxes, with openings in them large enough to admit the hand, for the purpose of drawing out the slips. Said openings shall have locks and keys fitted to them, and be kept securely locked by said commissioners after they have withdrawn the requisite number of slips to complete the grand and petit jury lists as now required by law, retaining said keys in their possession; said boxes shall be marked number one and number two.

§ 4. That when said commissioners have finished

making out the slips, as directed in section two of this act, they shall deposit all of them in the box marked number one, and when directed to prepare jury lists for the said courts, they shall draw from said box the number of slips necessary for that purpose, having first thoroughly shaken and mixed them; and after transcribing the names, they shall deposit the slips in the box marked number two, so that when box number one is exhausted, box number two will contain the slips withdrawn therefrom; and when new jury lists are demanded by said courts, said commissioners shall draw the requisite number of slips from the box marked number two, and after transcribing the same on new jury lists, they shall deposit them in box marked number one, and so continue till number two is exhausted and number one is replenished with slips.

§ 5. That the clerk shall keep, in a sealed envelope, a list of all persons excused from service, and furnish the same to said commissioners, who shall use them in making out subsequent lists, as far as they will go, before resorting to the box containing the slips.

§ 6. That when persons summoned to serve on the juries are found to be permanently disqualified, physically, mentally or morally, the clerk shall keep a list of all such for the said commissioners, who shall strike their names from the assessor's list, and as their names are drawn from the boxes they shall destroy the slips.

§ 7. That whenever the commissioners deem it advisable for the assessor to supply a new list of names, as required in section number one, they shall notify him, and it shall be his duty to do so, after the next assessment immediately following such notice.

§ 8. That in making up the jury lists as herein required, the assessor shall exclude therefrom the names of all persons who are not "at least twenty-one years of age, house-keepers, sober, temperate, discreet, and of good demeanor."

§ 9. That all lists of grand and petit jurors for the said courts shall be made up from the slips drawn by said commissioners from said boxes. In impaneling a jury for the trial of any cause in either of the said courts, should the lists prepared for either of them be exhausted without securing a panel, either of said courts shall direct said commissioners to draw from said boxes until a panel is secured.

§ 10. That the said county and city shall provide for all necessary expenses incurred in carrying out this act, payable out of their respective treasuries.

§ 11. The assessors shall, every three years, furnish the list of citizens, as required in section one of this act, to the clerks of the several courts hereinbefore named.

§ 12. This act shall take effect from and after its passage

Approved February 21, 1890.

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## CHAPTER 216.

AN ACT to authorize the board of trustees of the town of Barbourville, Knox county, to borrow money for the improvement of streets and the payment of the ordinary expenses thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the board of trustees of the town of Barbourville, in Knox county, Kentucky, be, and same is hereby, authorized to borrow, from time to time, such sums of money as may be necessary for the purpose named herein, not to exceed at any time an aggregate indebtedness of ten thousand dollars, at a rate of interest not exceeding six per centum per annum, to be used for the improvement of the streets and roads of said town, and to pay the ordinary expenses thereof. Said board of trustees shall execute the written bonds or obligations of said town to the



lender for such sums as may be borrowed from each lender. Said bonds may be issued in denominations of from one hundred to five hundred dollars each, due and payable twenty years from date, but subject to redemption at the option of the town. Said bonds shall not be sold for less than their par value. Said bonds shall have twenty coupons attached, each coupon covering the amount of the interest for each year. Said bonds and coupons shall be signed by the chairman of said board of trustees, and countersigned by the clerk thereof; and the seal of the town shall be placed upon said bonds. Said bonds may be assigned and transferred so as to invest the right to same in the assignee in the same manner and to the same extent that promissory notes are assigned.

§ 2. The said board of trustees shall provide for the payment of the sums of money borrowed under the provisions of this act, and the interest thereon, out of the ordinary revenues of said town, at such times and places as may be designated in the bonds issued.

§ 3. Said board of trustees, a majority of the board being present and concurring therein, shall make orders for all bonds issued upon their journal, setting forth the amount of the bond, when and to whom issued.

§ 4. Said bonds shall be paid off in the order in which they are issued, and by giving the holder of same due and proper notice when any of said bonds will be paid before same matures. The interest on such bonds will cease the time said board sets to pay same.

§ 5. This act shall take effect and be in force from and after its passage.

Approved February 21, 1890.

## CHAPTER 218.

AN ACT for the benefit of J. C. Willim, sheriff of Lewis county.

WHEREAS, J. C. Willim, sheriff of Lewis county, through inadvertence failed to obtain his quietus for collection of revenue tax for one thousand eight hundred and eighty-nine; whereas, by said failure, said Willim forfeited the office of sheriff, and could not legally be appointed to fill out the remainder of his term of office; and whereas, he has now obtained his quietus from the Auditor of Public Accounts; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the disability incurred by said Willim, by reason of his failure to procure his quietus at the time required by law, be, and the same is hereby, removed, and said Willim is hereby given further time, until the third Monday in March, one thousand eight hundred and ninety, in which to execute his official State revenue and county levy bonds; and said bonds, when so executed, shall be as effectual and binding upon said Willim and his sureties as if he had executed said bonds within the time required by law.

§ 2. That this act shall be in force from and after its passage.

Approved February 24, 1890.

## CHAPTER 219.

AN ACT to incorporate Union Encampment number seventy, Independent Order of Odd Fellows, of Paducah.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That J. M. Ezell, G. W. Robertson, E. B. Jones, John Linkliff, Wm. Krans, T. J. Atkins and

W. L. Vint, their associates and successors, shall be, and they are hereby, created a body-corporate and politic, by the name and style of "Union Encampment number seventy, Independent Order of Odd Fellows;" and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law as natural persons to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts of law and equity in this Commonwealth; to have and use a common seal, and the same to break, alter or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge they may alter when deemed proper, and may change and renew the same at pleasure: *Provided*, The said regulations and by-laws so to be adopted be not in contravention of the Constitution and laws of the United States or of the Commonwealth of Kentucky, or of the constitution and by-laws of the Grand Lodge of the Independent Order of Odd Fellows of Kentucky.

§ 2. That said corporation shall have power and authority to hold such real and personal property as may be convenient and necessary for fulfilling the purposes of the said corporation, and to lease, build or purchase such house or houses as, from time to time, they may deem expedient for carrying out the said purposes; and whenever deemed expedient or to the best interests of the encampment, it may sell and convey any real or personal property it may own, and re-invest and dispose of its proceeds. A conveyance of any of the real estate belonging to said encampment may be made by such person or persons as the encampment may, by by-laws, prescribe, subscribing the corporate name and affixing the corporate seal of said encampment.

§ 3. The said corporation may borrow money and secure the payment of the same by mortgage upon its real or personal property, or otherwise, and on such terms as it may deem expedient.

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§ 4. The individual property of the members of this corporation shall not be liable for the debts of the corporation.

§ 5. In all proceedings, legal, equitable or otherwise, against this corporation, services of process on the chief officer of said encampment shall be deemed sufficient.

§ 6. This act shall take effect from and after its passage.

Approved February 25, 1890.

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## CHAPTER 220.

AN ACT to amend an act, entitled "An act to incorporate the town of Pleasant Home, in Owen county," approved March twenty-six, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section seven of an act, entitled "An act to incorporate the town of Pleasant Home, in Owen county," approved March twenty-sixth, one thousand eight hundred and eighty-eight, be repealed, and the following words substituted as section seven, namely : "Said police judge shall have concurrent jurisdiction in civil, penal and criminal cases with justices of the peace in Owen county, and may charge the same fees for services. The town marshal shall have the same powers as a constable, provided he shall execute the bond required of him by said act as constable, and he shall be entitled to similar fees. The police judge shall execute bond in the county court similar to that required of a justice of the peace."

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 25, 1890.

## CHAPTER 221.

AN ACT to amend an act, entitled "An act to incorporate the Greenwood and Massey's Mill Turnpike Company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Greenwood and Massey's Mill Turnpike Company be, and it is hereby, authorized and empowered to construct a branch turnpike road from Hickory Flat school-house, on its present line of road, to some convenient point in the Bledsoe Lick dirt road, a distance of about two and a half miles ; said branch road to be constructed and maintained in accordance with the provisions of the act to which this is an amendment.

§ 2. This act shall take effect from and after its passage.

Approved February 25, 1890.

## CHAPTER 222.

AN ACT to incorporate the town of Maytown, Morgan county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the town of Maytown, Morgan county, Kentucky, is hereby reincorporated, with the following boundary : Beginning on the corner of the Wolfe Boundary. and Morgan county line, near the dwelling-house of Richard Bolin ; thence with the said Wolfe and Morgan county line to a double chestnut tree standing on top of the ridge ; thence a straight line, including H. Repass and C. W. Clark's dwellings, to a stone at the southwest corner of Grant May's yard fence ; thence southeastern direction, crossing the State road, to two apple trees standing at the foot of the hill ; thence a straight line east to a white oak tree stand-

ing near the coal bank road ; thence a straight line to a stone set in the northeast corner of Henry Neff's yard, including said Neff's dwelling ; thence a straight line to the beginning, so as to include the dwelling-house of Richard Bolin.

Board of trustees.

§ 2. The fiscal, prudential and municipal concerns of said town, with the government thereof, shall be vested in a board of five trustees, to be annually elected on the first Saturday in April by the qualified voters of said town. The said trustees and their successors in office shall be a body-politic and corporate, with power to sue and be sued, to plead and to be impleaded, to contract and to be contracted with, and transact all legal business under the name and style of the board of trustees of Maytown. The said board may use a common seal, and do all other acts and things which a body-politic or corporate having perpetual succession can lawfully and rightfully do within the powers delegated by this act.

Terms of office.

§ 3. The said trustees shall hold their offices for one year, and until their successors are elected and duly qualified. Before proceeding to act they will severally take the oath required by the Constitution of this State, and, in addition thereto, that they will faithfully discharge the duties of their office. No person shall be eligible to the office of trustee who is not over the age of twenty-one years, and who has not resided within the limits of said town for three months next preceding his election.

Chairman of board.

§ 4. The said trustees shall, at the first meeting after their election and qualification, select one of their number as chairman of said board, who shall preside at all the meetings when present, preserve order, put all questions, and sign the minutes and records kept by them. In the absence of said chairman, the members present shall elect one of their number as chairman *pro tempore*. The said trustees shall, by suitable ordinance or by law, fix the time and place of their meetings, prescribe the mode by

which called meetings may be held, impose penalties upon defaulting members, and regulate the conduct of all business. These regulations may be changed, from time to time, at the discretion of said board.

§ 5. The said board of trustees shall appoint some <sup>Town clerk.</sup> suitable and competent person to act as clerk, who shall execute bond, with good security, payable to the said board, conditioned that he will well and truly discharge all of his duties as required by law or the ordinances of the town. Said clerk shall keep the records and transact such duties as he may be required to perform by order of the board.

§ 6. That said trustees shall appoint one of their <sup>Treasurer.</sup> number as treasurer of the board, who shall give bond, with good security, payable to the board, conditioned that he will, in proper time and on demand, pay over and account for all money or other thing coming to his hand by virtue of his office, as the board of trustees may direct and as required by law; and that in all things he will well and truly discharge his duty. The said treasurer shall receive, hold and disburse all moneys belonging to said town, and shall annually, or as often as the board may direct, submit a report, in writing, showing the amounts received and disbursed.

§ 7. The said board of trustees shall have power <sup>Streets.</sup> over the streets, alleys and sidewalks of said town, or which may hereafter be opened up by them, and they may direct their improvement in such a manner as may be most beneficial and to the best interest of the town. They may, by order, direct and require the owners of lots or parts of lots, fronting any street or public grounds, to pave the same with such material, and of such width and distance, as said board may, by its order, require. When such work is ordered to be done, the kind and quality of the sidewalk or pavement required, with a description of the grade, width and distance, shall be specified in the order, and the time shall also be fixed in which the work

shall be done. On the failure or refusal of the owners of lots or parts of lots to have the pavements or sidewalks constructed and laid within the time and in the manner provided by said board, then the board of trustees shall have the work done on contract at the expense of the town; but the whole expense thus incurred shall be charged to the parties respectively for whom the work is done, and may be recovered in any court of competent jurisdiction. The board shall have a lien on the lots in front of which such pavements or sidewalks are built for the cost of the work. If the board of trustees so elect and deem it best, the pavements and sidewalks may be built at the expense of the town.

Police powers.

§ 8. The board of trustees shall have power and authority, within the limits of said town, to preserve authority within the limits of said town, to preserve and protect the public grounds, streets, alleys, sidewalks, or public improvements of the town or any public or private property therein; to preserve the peace and quiet and good order of the town and the inhabitants thereof; to abate all nuisances and punish all persons who create the same; to regulate the storage or removal of any unwholesome or combustible material that may tend to endanger property or to injure the health or comfort of the people; to provide the way and manner of constructing chimneys, flues, pipes, fire-places and hearths which may be erected, when they shall deem the exercise of such powers necessary for the security of life or property; to tax and license peddlers, auctioneers, and all itinerant persons vending goods, wares, merchandise or personal property; to tax and license all shows, theatrical troupes or public exhibitions for pay and profit; to prohibit the sale, barter or loan of intoxicating liquors, and to punish those who do so; to pass such ordinances and by-laws as may be necessary to secure the quiet and good order of the town, and the comfort and health of the inhabitants thereof, which are not con-



trary to the Constitution of this State or the United States. The powers herein delegated shall be enforced by ordinances or by-laws regularly enacted by said board of trustees, with penalties fixed and declared for their violation. The penalties imposed shall in no case exceed one hundred dollars' fine and thirty days' imprisonment.

§ 9. The said board of trustees may take and hold, Burial ground. by purchase or otherwise, any quantity of ground within or without the corporate limits as a burying-ground, and may make all needful and necessary regulations for the use and protection of said ground.

§ 10. The board of trustees shall have power to ap- Collector of taxes. point a suitable person as collector of taxes, and will take from him a bond, with good security, payable to the board of trustees of Maytown, and conditioned that he will well and truly discharge his duties, and within the time provided by law pay over to the person entitled to receive the same all moneys and public dues collected by him. Said bond shall be put to record on the order-book of the board, and safely preserved by the board. On said bond suit may be instituted for a breach of its provisions in any court of competent jurisdiction. The said collector, in the collection of the taxes due said town, shall have the same powers by way of distress, seizure and sale of property, that sheriffs have by law in the collection of the State revenue, and shall be liable to the same penalties.

§ 11. The board of trustees shall have power and Taxation. authority annually to assess, levy and collect a tax, not exceeding fifty cents on each one hundred dollars' worth of property, upon all persons in said town, and also to levy and collect a poll-tax of not exceeding one dollar on each male person over the age of twenty-one years residing within the town limits. The property subject to taxation within the limits of said town shall be as provided in the general laws of this State.

§ 12. The board of trustees shall annually require List for taxes. the clerk of said board to take a list of all persons

and property chargeable with taxes, or if said clerk can not serve, they may appoint a suitable person to act as assessor; they may prescribe the time and mode of taking the list of taxable property, and of ascertaining the value thereof; they shall also prescribe the oath to be administered by the assessor to all persons listing for taxation. When the list is taken the assessor's book containing the same shall be returned to the board of trustees, and said board, at a regular or called meeting, shall examine said list, correct any errors of fact, either as to the value of the property listed or the names of the persons charged with the tax. If said board, after due examination, shall ascertain that any property has been listed below its true value, the same shall be fixed at its true value; but the value of property listed shall not be raised until the tax-payer has been given notice by said board to show cause, if any he can, why the property should not be raised in value. When the assessor's books has been completed and duly revised and corrected by the board, a tax-book shall be made from the same containing the names of the tax-payers, the value of the property charged, and the aggregate amount of the tax due by each tax-payer, and thereupon the said book shall be delivered to the collector for the collection of said taxes.

Lien for taxes.

§ 13. For all taxes levied by the said board of trustees under the provisions of this act, there shall exist a lien in favor of said board upon the property of the tax-payers until the taxes are paid. It shall be the duty of the collector to collect all taxes which may be placed in his hands, and pay the same to the treasurer at the end of each week. Within three months from the time the taxes are listed with him, said collector shall make out and return to the board a report, in writing, showing the sums collected, and the names of the persons from whom the same were received, and the names of all persons who are delinquent, and

the amount due from such delinquents. The board of trustees shall examine said list of delinquent taxpayers, and allow such as can not be collected, and for those allowed the collector shall have credit on settlement. The board shall during the year, or as often as they may deem it necessary, appoint a commissioner to settle the accounts of said collector.

§ 14. If any person, bound for the taxes imposed Sale for taxes. under this act, shall fail to pay the same at the end of three months from the time the tax-book is placed in the hands of the collector, then the said collector, after tendering to those residing within the town limits a receipt, specifying the amount of tax and the property listed, shall levy upon so much of the property of the tax-payer in default as may be necessary to pay the taxes and cost; and after advertising the time and place of sale for not less than ten days for personal property, and not less than fifteen days for real estate, shall sell a sufficiency of said property to satisfy the tax and cost. Said sale shall be at some public place in said town to the highest bidder at public outcry, for cash in hand. The collector shall give to the purchaser a certificate of purchase, showing the property sold and the amount paid therefor; and in case the property sold is real estate, the certificate shall so describe the property that it can be identified. The owner of real estate sold by the collector shall have two years in which to redeem the same by paying to the purchaser the amount of his bid and twenty per cent. interest thereon: *Provided*, That infants, married women and persons of unsound mind may have two years in which to redeem said property, after the removal of their disabilities, by paying the amount of tax, cost and twenty per cent. per annum from the time of sale: *And provided further*, That non-residents of the county shall have two years in which to redeem their real estate, under the same regulations above provided.

§ 15. The said board of trustees may sell and con- Sale of property.

vey any property, real or personal, owned by the town, or any street or alley to which the town has title, and may reinvest the proceeds in other property for the use and benefit of said town. Any sales so made shall be ordered by an order of record, in which the ayes and nays shall be shown, and when thus directed the deed shall be acknowledged for the board by the chairman and clerk.

**Lock-up.** § 16. The said board of trustees shall have power to erect a lock-up for the safe-keeping of prisoners, and all persons who are convicted of a violation of the town ordinances and sentenced to confinement by the police court, or other court of competent jurisdiction. They may appoint a keeper of said lock-up, agree with him as to compensation, and provide rules for the government of the same.

**Chain gang.** § 17. The said board of trustees shall have power to work on the public streets or grounds of the town any and all persons who have been convicted of a violation of the ordinances of the town, and who are confined in the town lock-up, either under sentence or for failure to pay their fines. Such labor shall not exceed the terms for which the persons confined are legally imprisoned; and in case the persons are imprisoned for failing to pay fines, the work shall be estimated at one dollar per day. The board shall provide guards and adopt rules for working persons under this act. The court rendering judgment shall say in order of confinement whether the said prisoners may be permitted to perform said work.

**Police judge** § 18. There shall be elected on the first Saturday in April, one thousand eight hundred and ninety, and every two years thereafter, a police judge of said town; he shall be elected by the qualified voters of said town, and shall hold his office for two years, and until his successor is elected and qualified. Before entering upon the duties of his office, he shall go before the county court of Morgan county and take the oath required by the Constitution; also take an oath

to faithfully and impartially discharge the duties of said office; also execute bond, to be filed in said county court, for the faithful performance thereof. The said police judge shall have exclusive jurisdiction of all prosecutions or infractions or violations of the ordinances and by-laws of the town, and his jurisdiction in all other criminal, penal and civil cases shall be the same as justices of the peace of Morgan county, and shall be a conservator of the peace, and shall have all the jurisdiction, powers and authority conferred by law upon a justice of the peace; he shall have power to issue process to compel the attendance of witnesses, to impose fines in cases of misdemeanors to the extent of ten dollars, without the intervention of a jury, and to preserve order and punish for contempt as a justice of the peace can now do by law.

§ 19. The said police judge shall keep a record of <sup>Records.</sup> his proceedings, a certified copy of which may be used as evidence in all courts of justice, and shall have the same effect as records of justices of the peace; he shall be entitled to receive and collect the same fees in all cases, criminal and civil, that justices of the peace are now allowed by law for like services, and may have the same remedies for their collection; appeals may be taken from the judgments rendered by said police judge as appeals are taken from the judgments of justices of the peace in similar cases; warrants issued by said judge for an infraction or violation of the ordinances of said town shall be issued in the name of the Commonwealth of Kentucky for the benefit of the trustees of Maytown.

§ 20. The defendant in any criminal or penal prosecution, or any party to a civil action pending in said police judge's court, may make an affidavit that he or they believe that the said judge will not give to such affiant a fair and impartial trial, and thereupon said judge shall vacate the bench, and the chairman of the <sup>May swear judge off bench.</sup>

board of trustees of Maytown shall preside in his stead ; or if, for any cause, said judge can not properly preside, or shall be absent, the chairman aforesaid shall preside in his place ; and in such cases the chairman of said board shall have all the powers for rendering judgment and enforcing satisfaction thereof, for preserving order, punishing for contempt, and other powers that are given by this act to the police judge. Should the chairman be absent or disqualified for any cause from serving, then the board of trustees shall convene, and by order of record select one of the justices of the peace of Morgan county to preside during the trial. The said police court shall be open and in session at any and all times for the trial of criminal and penal causes, or cases arising out of a violation of the town ordinances. The holding of said court for the trial of civil actions shall be held on the first Monday in each month, and to continue until all business is disposed of. On all judgments of said police judge's courts in criminal, penal and civil cases, and for a breach of the town ordinances or by-laws, the same writs of *feri facias* and *capias pro fine* shall issue as are allowed by law for the enforcement of similar judgments in the circuit or quarterly courts.

Marshal.

§ 21. At the same time that a police judge is elected there shall be elected by the qualified voters of said town a town marshal, who shall hold his office for two years, and until his successor is elected and qualified. No one shall be eligible to said office except a resident citizen of said town who is over twenty-one years of age. Said town marshal shall be a peace officer, and shall have the powers and jurisdiction of a constable of Morgan county in all criminal and civil cases. He shall attend all sessions of the police court, execute all process to him directed, and perform such other duties as may be required by the ordinances of said town. Before the said marshal shall proceed to discharge his duties he shall appear

before the Morgan County Court and execute bond, with security to be approved by the said court, with same covenants and conditions as the bond of constables, and on said bond he shall be liable to any person suffering injury in like manner as constables, and shall be subject to the same penalties. In addition to the oath required by the Constitution of this State, the said marshal shall take an oath to faithfully and impartially discharge the duties of his office according to law.

§ 22. The fees of the said police judge shall be the same as those given by law to justices of the peace for similar services. The fees of the said town marshal shall be the same as are given by law to constables for like services, and they may have the same remedies, by way of distress or action, for their fee bills as said officers are given by law, and shall also be liable to the same penalties. Fees of judge.

§ 23. The board of trustees of said town, by order of record, the ayes and nays being entered, may cause new streets or alleys to be opened within the limits of said town, or the present streets or alleys to be widened or extended, and may agree with the owners of the soil for the property so taken for public use. If the board shall fail to agree with the owner or owners of the land as to the amount of compensation, then it shall be lawful for said board to file a petition in the Morgan County Court, stating the facts in reference to the condemnation, and the court shall cause the proprietors of the land through which the streets are to run or be altered to be summoned for not less than ten days next before the succeeding county court, to show cause, if any, against the opening or alteration of said street. If no sufficient grounds are shown against the opening or alteration of said street, then the court shall cause a writ of *ad quod damnum* to issue, and a jury empaneled, none of whom shall be residents of the town of Maytown. The jury shall meet on the ground and be sworn as in case of a road, and the Streets and alleys.

parties notified of the time of such meeting. After viewing the ground, the jury will say what will be a fair compensation to each proprietor for the land proposed to be taken, and the damage to the residue of the land, including additional fencing, beyond the peculiar benefits which will be derived to such residue by the opening or alteration of the street. When completed, the inquest shall be signed by the jury, and returned by the sheriff or other officer to the clerk of the Morgan County Court; upon the return of the inquest the county court shall make an order fixing the amount, if any, of compensation assessed by the jury as the sum to be paid by the board of trustees. If said jury shall fail to find for the defendants, then the cost of said proceedings shall be paid by the said defendants.

Attorney. § 24. The board of trustees shall have power to appoint an attorney to prosecute as cases in the police judge's court for an infraction of the ordinances of the town, or to discharge any other legal services, and may agree with him as to compensation.

Police. § 25. The said board of trustees may appoint policeman or police guard to serve in the town limits, who shall have power to preserve the peace and discharge such duties as the board may direct by ordinance.

Punishment. § 26. That upon judgments rendered for imprisonment by the police judge, or for failure to pay fines assessed by said court, the parties convicted may be confined in the lock-up of said town, or in the county jail of Morgan county, as the court may order; in case of fine, the party confined shall remain until the fine is discharged, at the rate of two dollars per day; and for imprisonment he shall remain for the term fixed by the judgment of said court.

Vacancies. § 27. Any vacancy that may hereafter exist in any office of said town, as created and authorized by this act, shall be filled by the board of trustees, and the



person appointed shall hold his office until succeeding election, and until his successor is elected and qualified.

§ 28. That every free male citizen over twenty-one <sup>Electors.</sup> years of age, a resident or owner of real estate of the town of Maytown, shall be qualified to vote for officers created by this act. Said residents having resided within the limits of said town previous to said election for sixty days, shall be qualified voters in said election. The elections created by this act shall be held by the clerk of the board of trustees, who shall give to the officers elected a certificate of election.

§ 29. That the five trustees, mayor and marshal, now in office in said town, may hold and discharge the duties of their position until the next regular election, and until their successors are elected and qualified, exercising the powers delegated by this act.

§ 30. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 31. This act shall take effect from its passage.

Approved February 25, 1890.

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## CHAPTER 223.

AN ACT to incorporate the Mt. Sterling Fair Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Dennis King, Jake Stoner, Riles Foley, George Williams, Russell Beatty, William Fisher and Al. Stevenson, and their associates and successors forever, be, and they are hereby, created a body-politic and corporate, under the name of the Mt. Sterling Fair Association, for the purpose of promoting live stock, agricultural and mechanical interests, and holding exhibitions of same.

§ 2. The corporation hereby created may have a

common seal, and change the same at pleasure ; may, by their corporate name, sue and be sued, contract and be contracted with, and acquire, by purchase or otherwise, for the purposes of said corporation, such land or ground as may be necessary to carry out the purposes of the organization, not exceeding one hundred acres.

§ 3. The affairs of said corporation shall be conducted by a board of directors, composed of seven members, a majority of whom shall constitute a quorum, who shall be elected annually by the stockholders on the first Saturday in May in each year, and who shall hold their offices for one year, and until their successors are elected and qualified. The incorporators named in this act shall constitute the first board of directors, and shall hold office until their successors are elected and qualified ; and of their number they shall elect annually, on the second Saturday in May, a president, vice president, secretary and treasurer, and these officers, together with the other three members, shall constitute the executive committee of said corporation.

§ 4. The capital stock of said association shall be twenty-five thousand dollars, to be divided in shares of twenty-five dollars each, to be subscribed for in such manner as the incorporators hereof and their successors may direct.

§ 5. The incorporators hereof and their successors may adopt for their government such regulations and by-laws as are not inconsistent with the Constitution and laws of the Commonwealth ; and on all exhibition days said association shall have the right to appoint sober and discreet marshals and policemen for the proper maintenance of good order.

§ 6. Said association may have the right to rent the booths, arbors and grounds to such person or persons, on such terms as may be agreed upon, not inconsistent with law, but in no case to be used for gaming or the sale of intoxicating liquors.

§ 7. The marshals or policemen selected as named herein shall, before the judge of Montgomery County Court, take the same oaths as are required of the marshal of Mt. Sterling and the policemen thereof.

§ 8. This act shall take effect from and after its passage.

Approved February 25, 1890.

## CHAPTER 224.

AN ACT creating the office of inspector of buildings for the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the office of inspector of buildings for the city of Louisville be, and the same is hereby, created. Office created.

§ 2. That said inspector shall be elected by the general council of the city of Louisville in joint session, at the first meeting after the passage of this act; and the term of his office shall be four years from and after the date of his election, and thereafter quadrennially, an inspector of buildings shall be chosen in like manner by said council. Said inspector shall give bond for the faithful performance of his duties under this act, with good and approved security, and immediately enter upon the duties of his office: *Provided*, Said inspector, if an architect, shall not practice his profession while in office. He shall appoint such assistants as may be necessary to conduct the business of his office, subject to the approval of the general council, who shall regulate their compensation. Elected. Term of office.

§ 3. That before the erection, construction or material alteration of any building in the city of Louisville, the owner or owners, architect or builder, shall submit to said inspector or his assistants full plans Owners shall submit plans.

and specifications, with a written statement showing, first, the location of the proposed work; second, general dimensions, number and height of stories; third, dimensions of joists and timbers and distance apart; fourth, dimensions of supporting iron work; fifth, for what purpose the building is designed; sixth, the estimated cost of the same. The owner or owners, his agent or architect, shall then sign an agreement that he will construct the work in accordance with said specifications and plans; and all matters and things connected with such construction or alteration shall be done in strict compliance with the same. Upon the payment of the fees, to be hereafter provided for, the inspector or his assistant shall issue a permit for such construction or alteration.

Issue permit.

§ 4. That upon the application for a permit, said inspector or his assistant shall examine the location named, and if satisfied that the proposed building will be of proper strength, and so constructed as to guard against fire, and that the proposed alteration will not unduly weaken the building or expose it to fire, he shall approve the application. But if said inspector or his assistant shall withhold the permit for ten days after the application for the same, the party making application for the permit may bring the matter before the general council, who shall determine whether or not the party shall have the same, and their decision in the case shall govern the inspector. The clerks of the said council shall furnish the inspector with a certified copy of the proceedings.

Examine proposed building.

§ 5. That upon receiving a permit, the party intending to build shall, if the street be not graded in front of the proposed building, obtain the grade from the city engineer's office. The portion of any street which may be occupied by the materials necessary for a building in course of construction shall not exceed in extent the dimensions of the front of the premises being built upon, and twenty-five feet in addition thereto, and not exceeding one-third of

Duties of proposed builder.

the street in breadth ; and such occupation of a public street shall not be prolonged an unreasonable period : *And provided*, That a sufficient passway be left unincumbered at all times between said building materials and the opposite curb-stone for the passage of vehicles : *And provided further*, That no material shall be placed within four feet of any fire cistern, fire-plug, pump or crossing, or within twelve inches of any curb-stone. It is hereby made the duty of the chief of police to prosecute any violation of the provisions of this section.

§ 6. That no frame building shall be erected within the corporate limits of the city of Louisville until the owner or agent of said building shall have obtained permission, in writing, from all parties owning permanent brick or stone structures within a radius of sixty feet from the proposed location of said frame building. No frame building.

§ 7. That it shall be unlawful to repair any frame building within the city of Louisville which has been damaged by fire or decay to the extent of fifty per cent. of the value of such building, unless permission is obtained as required by section six.

§ 8. That the roof of any frame building more than one story high, damaged by fire less than sixty per cent. of its cost when new, may be repaired. If the roof is damaged more than half its value, the entire roof shall be taken off and a new roof put on, having covering of incombustible material. In no case shall the highest point of the new roof exceed the highest point of the old roof ; but if a flat roof is substituted for a pitched roof, the wall of the building may be extended to meet the requirements of such change in the roof. Damaged roof.

§ 9. That any similar building having a pitched roof, covered with combustible material, may have a flat roof of incombustible covering substituted for the pitched roof ; the walls of the building to be carried up to meet the change in the pitch of the roof : *Pro-*

*vided always*, That the highest point of the flat roof shall not exceed the highest point of the roof to be removed.

Dangerous burnt  
buildings.

§ 10. That whenever, in the opinion of said inspector or his assistant, any wall or any part of a burnt building is dangerous, or when any building shall be deemed unsafe for the purpose for which it is used, or that shall be in danger of fire from defect in its construction, the inspector or his assistant shall notify the owner or his agent, in writing, specifying wherein such danger consists ; and if the owner neglects or refuses, for the space of five days after the serving of such notice, to put such building in a safe condition, or forthwith tear it down, or secure the walls or dangerous parts of a burned building, he shall be subject to a penalty of not less than five dollars nor more than fifty dollars for each and every day such violations shall continue, after five days from the service of the notice.

Wooden structures.

§ 11. That wooden structures not more than two stories high, and the highest point of roof not exceeding twenty eight feet above grade, may be erected on the rear of a lot and used for servants' quarters, privy, stable, coal-house, and so forth. Roof may be covered with shingles, if it is a pitched roof ; but if flat roof, must have metallic covering : *Provided always*, That a space not less than two feet wide be left between each side of such building and the sides of the lot.

§ 12. That buildings not exceeding twenty-five feet in height, from top of sills to the highest point of the roof, nor more than one thousand superficial feet in area, may have brick walls not less than twelve and one-half inches in thickness erected on wooden sills ; the sills to be supported on vertical piers sunk four feet below the surface of the ground ; the foundations under such piers to be either brick or stone ; sills not to be set closer than one foot to the ground. Sills and spaces between sills and the ground to be protected by fire-proof material.

§ 13. That any elevator buildings may be constructed <sup>Elevator building.</sup> of wood, externally protected by an envelope of non-combustible material. The foundation walls shall be of masonry not less than twenty-one and one-half inches thick, and to start from footing courses not less than six inches wider on each side than the walls for five-story buildings; and for each additional two stories in height, the foundation walls shall increase at least four inches in thickness. All window-frames and sash shall be of iron. The openings shall be protected by wire grating of not less than number fourteen gauge, with meshes not over one-half inch. The openings in the body of the building and its engine-house to have iron shutters.

§ 14. The height of stories for all given thicknesses <sup>Thickness of walls.</sup> of walls must not exceed eleven feet in the clear for basement, eighteen feet for first story, fifteen feet for second story, thirteen feet for third story, and twelve feet for fourth story; and no story above the fourth story shall exceed thirteen feet in the clear in height, unless all the walls for each of the stories be increased in thickness as set forth in the table of walls herein, except the last story of the building, which may have an average height not exceeding eighteen feet.

§ 15. That when, by reason of any change in the <sup>Change of plans.</sup> plans, it is sought to increase the height of any building beyond the height for which the original permit was granted, the thickness of the walls thereof shall also be increased in accordance with the tables herein-after set forth.

§ 16. That the outside walls of rooms having trussed <sup>Trussed roof.</sup> roofs or ceilings, such as churches, public halls, theatres, dining rooms or the like, if more than fifteen and less than twenty-five feet high, shall average at least seventeen inches in thickness; if over twenty-five feet high, at least twenty-one and one-half inches; if over forty-five feet high, at least twenty-five and one-half inches in thickness; an increase of four inches in thickness shall be made in all cases where the walls

are over one hundred feet long, unless there are cross-walls of equal height. If solid buttresses are used, with a sectional area of three hundred or more square inches, placed less than eighteen feet apart, and extended to or nearly to the top of wall, four inches may be deducted from the thickness of any wall having such buttresses.

§ 17. That cut-stone facings of walls shall be backed up with brick work of same thickness required when no cut-stone is used, unless it is self-supporting, in which case, if anchored to brick work, four inches less in thickness of brick backing can be used.

Building walls higher.

§ 18. That any party-wall that has been built conformably to requirements of the law regulating the construction of such walls, and in force at the time of such construction, if sound and in good condition, may be used in the construction of an adjoining building: *Provided, however,* That the walls shall not be built higher without increasing the thickness of the old wall from the foundation to the top of the added work, as set forth in the table for party and division walls in business buildings. This section shall apply in all cases. When it is desired to increase the height of any business buildings erected against the walls of any old building (not being a party-wall), the new wall shall be of the thickness required for outside walls in such buildings.

Three story buildings.

§ 19. That any building not more than three stories high may have the rear wall terminate flush with the upper surface of the sheathing of the roof, provided the gutter at the eaves is entirely of metal, and the eave-boards is entirely of metal, or wood covered with metal; such metallic work to be properly secured to the roof.

Chimneys.

Flues.

§ 20. That no chimney shall be built with less than four-inch walls, and no chimney top shall be less than five feet above a flat roof, and two feet above the ridge of any pitched roof. All flues exceeding one



hundred and seventeen square inches in area shall either be lined with fire-clay flue lining, or plastered with fire-clay mortar. Tops of all such flues or chimneys shall be not less than five feet above the highest part of the roof within fifty feet of such chimney. All flues having a larger area than two hundred and fifty square inches shall be constructed so as to guard against fire. The inlet funnel and lining are to be constructed in the most approved manner. Chimney tops of flues having from five hundred to one thousand eight hundred square inches in area shall be built twelve feet above the roof, and at least ten feet above any roof within a radius of fifty feet. The walls of all chimneys shall increase in thickness in proper proportion for height as do walls in buildings. That the provision of this section as to the thickness of walls pertaining to chimneys shall be applicable only to such as are part of, and situated in, any building. Flues in party-walls shall not extend beyond the center of the wall. All chimneys with flues larger than one thousand eight hundred square inches in area shall be disconnected from any main building, and shall be at least ten feet above the highest building within a radius of sixty feet, and in no case less than eighty feet high. Foundations for all chimneys and stacks shall conform practically to the requirements for foundations to walls as specified in tables hereinafter set forth.

§ 21. That in the construction of any building no wall shall be carried to a greater height than one story before the other walls are brought to its level; and if deemed necessary by the inspector of buildings, walls shall be properly braced during construction.

§ 22. That all business buildings more than fifty-six feet high, covering an area of more than five thousand superficial feet, and all buildings exceeding eighty feet in height, shall have a metallic stand-pipe not less than two and one-half inches in diameter, within

or near the front wall, extending above the roof, and arranged so that the engine hose can be attached from the street. All hose-couplings shall conform to the size and pattern adopted by the fire department.

Signs.

§ 23. That all signs placed above the sills of the third story windows shall be of incombustible material, and no wooden signs shall be more than two feet in width.

Rear additions  
to frames.

§ 24. That frame buildings, having a rear addition which is lower than the main building, may be changed by raising the addition to the same height as the main building: *Provided*, The dimensions or area of the building on its ground plan shall not be enlarged without permission being first obtained from the inspector of buildings or his assistant.

Hotels.

§ 25. That partitions in hotels and tenement houses made of scantlings to be lathed and plastered, shall be filled with brick-work eight inches high between the scantlings. No board or plank partitions in any one story shall exceed over three hundred and fifty superficial feet; scantling partitions shall not be employed as supports of any floor or roof except in dwelling-houses. Stairways in all factories, mills or warehouses, more than three stories high, and of more than three thousand feet in area, shall be fire-proof.

Stairways in fac-  
tories, etc.

Elevator shafts.

§ 26. That elevator shafts shall be fire-proof from the lowest point at which the elevator starts, the fire-proofing to extend up to at least six feet above the roof. Well-holes for stairways may be used for elevators, but the elevator shaft must be inclosed in a wire netting. All elevators are to be provided with suitable doors at each landing; the doors to be fitted with the most approved fastenings, and if automatic trap-doors are used, they shall be properly fire-proofed on the under side at each floor through which an elevator car passes; the elevator shafts may be dispensed with.

Passenger ele-  
vators.

§ 27. That all passengers and freight elevators now in use in Louisville, or hereafter to be in use,

shall be inspected by a competent elevator inspector at least once in six months. The owner, operator or lessee shall cause such inspection to be made on the order of the inspector of buildings or his assistant, and furnish said inspector or his assistant a certificate, signed by the person making the inspection and the owner, operator or lessee. The certificate shall set forth that the elevator is in a perfectly safe condition, and that the shafts, doors, etc., are in accordance with the requirements of this act; that the elevator can safely carry the load for which it was designed. A copy of this certificate shall be framed by the owner, lessee or operator, and exposed at all times in some place near such elevator to the public view. The original certificate shall be kept on file in the office of the inspector of buildings.

§ 28. That the inspector of buildings shall keep a suitably bound and indexed book, containing the names of the owners, lessees or operators, and the location of all elevators in the city of Louisville, the date on which the aforesaid inspection was made, the name of the inspector, and a synopsis of the certificate. Inspector to keep books.

§ 29. That the inspector of buildings or his assistant shall, on receipt of the certificate aforementioned, have a copy of said certificate made, and sign both it and the original; returning the copy to the owner, lessee, or inspector of such elevator, to be displayed as above mentioned. Receipts.

§ 30. That if any owner, lessee or operator of any elevator, freight or passenger, fail for five days to furnish the inspector of buildings a certificate of inspection as required above, such owner, lessee or operator shall be subjected to a penalty of not less than ten dollars for each and every day he neglects or refuses to furnish said certificate or to post the copy thereof as set forth above. Penalties.

§ 31. That it shall be the duty of every person owning, operating or using any passenger or freight ele-

vator within the city of Louisville to employ some competent person to take charge of and operate the same ; and any such person who shall neglect to comply with the requirements of this section shall be fined the sum of ten (\$10) dollars for each and every day of said neglect.

Penalties for  
using unsafe  
elevators.

§ 32. That if any elevator has been declared unsafe, or condemned by the officers making the inspection, the inspector of buildings shall cause the same to be closed, and it shall be unlawful to use it until it has been put in thorough order, and a certificate to that effect, duly signed as aforesaid, been furnished the inspector of buildings. Any person violating this section shall be subjected to a fine of not less than ten dollars nor more than fifty dollars for each and every offense, recoverable in the ordinance court of the city.

Fire-proof win-  
dows, etc.

§ 33. All stores, storehouses, mills, and manufactories that may hereafter be erected, which are more than two stories high, shall have doors, blinds, or shutters made of fire-proof material on every window and entrance where the same do not open on the street, or within fifty feet of any opposite building. If such shutters can not be put on to open outside, they shall be hung on the inside, and independent of any wood-work. Shutters above first story shall be arranged so as to open from the outside.

Fire-escapes.

§ 34. That all buildings, except such as are used for private residences exclusively, of three or more stories in height, shall be provided with one or more metallic ladders or fire-escapes, extending from the first story to the upper stories of such buildings, and above the roof and on the outer walls of the roof, in such locations and numbers and of such material and construction as the inspector of buildings, with the advice of the fire chief, may from time to time direct. The inspector of buildings or his assistant may, at any time, by notice in writing served upon the owner, lessee or occupant of

any such building, require such owner, lessee or occupant, or either of them, to have such metallic ladder or fire-escape placed upon such building within thirty days after the serving of such notice: *Provided, however,* That all buildings more than two stories in height, used for manufacturing purposes, shall have one metallic ladder for every (25) twenty-five persons employed above the second story. If said owner, lessee or occupant fail to comply with the above requirements for thirty days after said notice has been served on them, or either of them, said owner, lessee or occupant shall be subject to a fine of not less than ten nor more than two hundred dollars, and to a further fine of fifty dollars for each week that he fails to comply with such notice after it has been served. Such fine is recoverable in the ordinance court of the city of Louisville.

§ 35. That the face of any wall, pilaster or column of any building above the level of the first water-table, shall not project beyond the property-line, unless it is merely a part of a bay or oriel window.

§ 36. That porticoes to any building may extend four feet over the property-line, but bay or oriel windows to dwellings shall not extend more than three feet over property-line, and no part of such window shall be less than eight and one-half feet above the sidewalk; brackets projecting not more than fourteen inches shall be kept at least six feet six inches above the grade of the sidewalk.

Porticoes and bay windows.

§ 37. That smoke-houses shall be constructed fire-proof throughout. If they open into other buildings, such openings shall have iron doors.

§ 38. That buildings designed for the storage of petroleum or articles of like nature shall be fire-proof throughout, with floor not less than two feet below street grade, and walls not less than seventeen inches high, and eight inches thick all around the house.

Storage of petroleum, etc.

**§ 39.** That the egress opening and stairways of all structures wherein crowds of people assemble, or wherein large numbers of employes are kept at work, shall, in no case, be less than five feet wide. This provision to apply to the doors of each gallery or compartment of such building, as well as to the exterior openings. All doors of such buildings or rooms shall be made to swing outward.

**§ 40.** That all buildings over two stories high used for the manufacture of combustible articles or materials, wherein more than a hundred employes are kept at a time, must have at least two egress fire-proof stairways, which are at least fifty feet from each other.

**§ 41.** That a fire-proof vault shall be erected on the premises of every building in which the manufacture of any wooden articles is carried on, in which are to be stored every day all shavings, saw-dust and other refuse resulting from such manufacture. In no case will inflammable refuse be allowed to accumulate in any building, or on any lot, unless stored in such fire-proof vault.

**§ 42.** That no person shall hereafter, either as owner, lessee or agent, use or occupy, or permit the use and occupation of any hotel, store, factory, workshop or other structure where any person or persons shall be employed, unless every such structure shall be provided with sufficient doors, stairways and iron-ladder fire-escapes, placed on the outer walls of the buildings; and where persons are employed above the first story, there shall be a fire-proof stairway to each twenty-five feet frontage of said building. Any neglect or disregard of this section shall subject the offender to a fine not less than ten dollars nor more than twenty-five dollars, for each day it continues, recoverable as other fines herein.

**§ 43.** That the wood-work of all boiler-houses and boiler-rooms shall be kept at least six feet from the boiler and four feet from the breeching or smoke-conductor, and one foot from the dome of the boiler.

unless such wood-work is properly fire-proofed, and then it shall not be closer than two feet to the boiler and smoke-conductor.

§ 44. That the floors of all boiler-rooms, containing stationary boilers, shall be of incombustible material, five feet on all sides, and at least eight feet in front of any boiler. When portable boilers are used on wooden floors, due protection against fires shall be used, equivalent to that required for stationary boilers.

§ 45. That no brick oven, coffee-roaster, or any other brick structure to contain fire, shall be permitted on the wood floor of any building. Wooden floors.

§ 46. That cupolas of foundries shall, in all cases, extend at least four feet above the highest point of the roof, within a radius of forty feet of each cupola. Cupolas.

§ 47. That no unprotected heater or movable light shall be kept in any room or building wherein any highly inflammable articles are stored. The least protection in such cases shall be a permanent surrounding of wire screen, with meshes less than one fourth of an inch.

§ 48. That the term business building shall embrace all buildings used principally for business purposes, thus including, among others, hotels, theatres and office buildings. The term wholesale store or store-house embraces all buildings used, or intended to be used, exclusively for purposes of mercantile business or storage of goods. Business buildings. Wholesale store.

§ 49. That a basement story of any building is a story, the floor of which is twelve inches or more below the side-walk, and the height not exceeding twelve feet in the clear. All such stories that exceed twelve feet in the clear shall be considered as first stories. First story.

§ 50. That the height of all buildings for the purposes of this act shall be taken from the grade of the side-walk to a point half way from the lowest to the highest part of the roof.

§ 51. That no occupant, owner of, or contractor

for any building, or any other person, in any way, hinder or prevent the inspector of buildings or his assistant, or any authorized officer, from entering during business hours any business building, or any other building in process of construction, but no dwelling shall be entered after it is occupied without the consent of the occupants.

Shall not hinder  
inspector.

§ 52. That any chimney not forming a part of a wall shall rest upon the ground with proper foundation, and in no case shall any chimney rest on or be supported by wood-work of any description.

Chimneys.

§ 53. That any frame building may be raised for the purpose of constructing a basement story under it. The principal floor of such building shall not be elevated more than eight feet above the grade of the side-walk except one-story cottages, which may be raised twelve feet. The new walls of such building shall be of brick or stone, and the thickness to be governed by the table hereinafter set forth. If the building to be raised is a church, or other hall or assembly room, the thickness of the walls shall conform to said table.

Basement  
stories.

§ 54. That any person desiring to utilize the space under the side-walk in front of any building owned by him shall construct a sufficient wall to retain the road-way of the street, and shall extend the side walls, division or party walls of such building under the side-walk to such curb wall. The side-walk in all such cases shall be of incombustible material entire, supported by walls or iron beams or columns. Openings in such walks for any purpose shall be covered with prismatic lights, in iron frames or with iron covers, with rough surfaces. No plain surface of glass shall be placed in any side-walk. In all cases where side-walks are to be thus used, a permit shall be first obtained from the inspector of buildings or his assistant, after the plans for such structure have been approved by him.

Retaining walls.

§ 55. That red lights shall be placed on any ob-



struction, whether on side-walk or in the street, from Signals. dark until sunrise each night during the time such obstruction remains. A passway at least four feet wide shall be kept in front of any new building in process of repair as far as practicable.

§ 56. That every theater, opera-house, hall, church, Public building. school-house, or other building intended to be used for public assemblages, shall be deemed a public hall within the intent and meaning of this act.

§ 57. That no stairway in any public hall shall Stairs. ascend more than ten feet without a platform, and no winders, wheeling or circular steps, shall be used. Each stairway and passage-way shall be fire-proof, and shall have a strong hand-rail on each side thereof through its entire length.

§ 58. That every public hall, with accommodations Exits. for five hundred or more people, shall have at least two separate and distinct exits, to be as far apart as practicable. Those accommodating seven hundred or more persons shall have at least three separate and distinct exits. The exits from all galleries shall be independent of, and separate from, the exits of the main floor.

§ 59. That no portion of the main floor of any public hall, not used as a theater, and with accommodations Height of public hall floors. for five hundred persons, shall be elevated to a greater height than thirty-two feet above the street grade. Public halls, with accommodations for one thousand persons or more, shall have the main floor not over twenty-five feet above the street grade. No portion of the main floor of any theater, with accommodations for two thousand five hundred or more persons, shall be more than ten feet above the street grade. In all such theaters the proscenium wall shall be of brick not less than seventeen inches thick, extending from the ground through and four feet above the roof; this brick wall to extend entirely across the building, from the floor of the stage to the ground. All openings required in any part of the wall, except principal opening, shall have iron doors.

§ 60. That all auditorium floors shall be fire-proofed; all partitions in rooms and passages in theatres, if not bodily fire-proof, shall be plastered on both sides on metallic lathing. The preceding sections shall apply only to public halls that may hereafter be erected. The following sections shall apply to theatres or public halls that are now being built or may hereafter be constructed.

§ 61. That all egress openings in public halls shall have the word "exit" conspicuously placed over them, and shall otherwise conform to the requirements of this act. The aisles and passages in such halls shall at all times be kept unobstructed.

§ 62. That the term "theatre" shall, for all purposes of this act, include public halls containing movable scenery or fixed scenery, which is not made of metal, plaster, or other incombustible material.

§ 63. That all theatres or other places of amusement, having a seating capacity for over five hundred persons, and having a platform or stage, and using drop curtains, or shifting scenery, shall have suitable ventilators placed upon the roof and opening to the space above the stage; such ventilators shall be arranged with valves or shutters that can readily be opened in case of fire, so that a current of air will pass over the stage and outward through such ventilator. Any other contrivance, having the same effect and approved by the inspector of buildings or his assistant, may be used instead of the ventilator described above.

§ 64. That when, in the judgment of the inspector or his assistant, any building is unsafe, he shall summon either an architect, or a civil engineer and a builder, who, with himself, shall carefully examine the structure, and if a majority of them agree that it is unsafe, said inspector shall order the same either torn down or repaired and put in safe condition, in accordance with the provisions of this act. The failure or refusal of the owner or agent of such

buildings will subject him to the same penalties prescribed in section thirty-four. And when any cellar door or frame projecting into any of the public ways of this city is so much out of repair as to be dangerous to the public, he shall order the owner, lessee or occupant of such premises to put the same in repair. Any failure on the part of said owner, lessee or occupant to do so, shall subject them to a fine of not less than five dollars nor more than ten dollars for each and every day of such failure, after three days have elapsed from the date of the service of such notice.

§ 65. That all theaters, school-houses, hotels, public halls, and other public buildings, shall have one or more water stand-pipes and water-plugs, with sufficient quantity of hose to reach the farthest limits of the building, and not less than two and one-half inches in diameter, with all necessary hose and fittings attached at all times to the plug or stand-pipe, as the inspector of buildings, with the advice of the fire chief, may, from time to time, direct. Water pipes.

§ 66. That no unprotected wooden cornice, or other unprotected wooden projection, shall hereafter be erected above the top of the third story of any building.

§ 67. That wooden structures, to be used exclusively for the storage of ice, may be constructed, provided that the entire outside surface is protected by incombustible material. Ice houses.

§ 68. The general council shall regulate, by ordinance, the fees to be collected for each permit issued under this act; and all such fees, together with the fines recovered for violations of this act, shall be paid into the treasury and applied to defraying the salaries and other expenses of the office of the inspector of buildings. Fees.

§ 69. That the salary of said inspector shall be not more than two thousand five hundred dollars per annum, payable monthly, as the salaries of other Salary.

Assistants.

city officials are paid. And said inspector shall appoint two assistants, one for the eastern district and one for the western district, at a salary of not more than one thousand five hundred dollars per annum, payable monthly, as the salaries of other city officials are paid. The general council shall provide a suitable apartment for said inspector, and supply it with such furniture, books, blanks, stationery, et cetera, as may be necessary for the efficient conduct of the business of his office.

Thickness of  
walls.

§ 70. That the thickness of all walls for business buildings shall be governed by the table below. Stone walls shall be governed by the same table. Four inches in thickness must be added to the thickness given in this table for each additional story above seven stories high. Foundation walls in all cases must start from footings at least six inches wider on each side than the wall. Stone footings shall be not less than six inches thick. Brick footings to set off not less than three times before thickness of wall is obtained:

	Basement . . .	First Story . . .	Second Story . .	Third Story . .	Fourth Story . .	Fifth Story . .	Sixth Story . .	Seventh Story .
<b>ENCLOSING WALLS—</b>	Ins. 12½ 17 17 21½ 26½ 26½ 30	Ins. 9 12½ 17 21½ 21½ 21½ 26½	Ins. 12½ 12½ 17 21½ 21½ 21½ 21½	Ins. 12½ 12½ 17 21½ 21½ 21½ 21½	Ins. 12½ 12½ 17 21½ 21½ 21½ 21½	Ins. 12½ 12½ 17 21½ 21½ 21½ 21½	Ins. 12½ 12½ 17 21½ 21½ 21½ 21½	Ins. 12½ 12½ 17 21½ 21½ 21½ 21½
<b>DIVISION AND PARTY WALLS—</b>								
Three stories high . . . . .	17	17	12½	12½	12½	12½	12½	12½
Four stories high . . . . .	21½	17	17	12½	12½	12½	12½	12½
Five stories high . . . . .	26½	21½	21½	17	17	12½	12½	12½
Six stories high . . . . .	26½	21½	21½	21½	17	17	12½	12½
Seven stories high . . . . .	30	26½	21½	21½	21½	17	12½	12½
<b>FRONT AND REAR WALLS NOT CARRYING JOIST—</b>								
Four stories high . . . . .	21½	17	17	12½	12½	12½	12½	12½
Five stories high . . . . .	21½	21½	17	17	12½	12½	12½	12½
Six stories high . . . . .	26½	21½	21½	17	17	12½	12½	12½
Seven stories high . . . . .	30	26½	21½	21½	17	17	12½	12½
<b>PARTITION WALLS IN BUSINESS BUILDINGS—</b>								
One story high . . . . .	12½	12½	12½	12½	12½	12½	12½	12½
Two stories high . . . . .	17	12½	12½	12½	12½	12½	12½	12½
Three stories high . . . . .	17	17	12½	12½	12½	12½	12½	12½
Four stories high . . . . .	21½	17	17	12½	12½	12½	12½	12½
Five stories high . . . . .	21½	21½	17	17	12½	12½	12½	12½
Six stories high . . . . .	26½	21½	21½	17	17	12½	12½	12½
Seven stories high . . . . .	30	26½	21½	21½	17	17	12½	12½

§ 71. That the construction of dwellings singly and in blocks, and of store-houses, with basements and dwellings above first story, shall have walls of at least the thickness given in the table below, whether the wall be constructed of brick or stone. All walls in all cases shall start from footing course at least six inches wider on each side than the wall that starts from it. Four inches in thickness must be added to thickness given in the table for each additional story above four stories high. If footings are of brick, they must set off at least three times before the wall thickness is obtained. Stone footings shall be not less than six inches thick.

	Basement . . .	First Story . .	Second Story . .	Third Story . .	Fourth Story . .
<b>WALLS OF DWELLINGS—</b>	Ins.	Ins.	Ins.	Ins.	Ins.
Basement and two stories . . .	12½	12½	12½	. . .	. . .
Basement and three stories . . .	17	12½	12½	12½	. . .
Basement and four stories . . .	21½	17	17	12½	12½
<b>DIVISION WALLS—</b>					
Basement and two stories . . .	12½	12½	12½	. . .	. . .
More than two stories and basement . . . . .	17	17	12½	12½	. . .
<b>WHEN FIRST STORY AND BASEMENT OR FIRST STORY ARE USED FOR SHOP OR STORE—</b>					
Basement and two stories . . .	17	12½	12½	. . .	. . .
Basement and three stories . . .	17	12½	12½	12½	. . .
Basement and four stories . . .	17	17	12½	12½	12½
<b>DIVISION WALLS—</b>					
Three stories and basement . . .	17	12½	12½	12½	. . .
Four stories and basement . . .	17	17	12½	12½	12½

§ 72. All acts in conflict with the provisions of this act are hereby repealed, and the general council of the city of Louisville shall have the right and power to pass all ordinances and resolutions necessary for the enforcement of this act.

§ 73. This act shall take effect from its passage.

Approved February 25, 1890.

## CHAPTER 225.

AN ACT to incorporate the Keystone Natural Gas Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Jacob Zimmerman, Chas. Zimmerman, Gus. W. Richardson, C. Miles and B. J. Carrico, their successors and assigns, be, and they are hereby, created a body-corporate, under the name of the Keystone Natural Gas Company; and by that name shall have perpetual succession, and the power to contract and be contracted with, to sue and be sued, implead and be impleaded, to take, own and in anywise alien property, real, personal, and mixed; have a common seal, and alter the same at pleasure; and to establish by-laws and make rules and regulations for the management of the affairs of said company, not inconsistent with the Constitution or law of this State or of the United States.

Names of incorporators and corporate powers.

§ 2. The affairs of said corporation shall be conducted by a board of directors of not less than three nor more than nine directors, who shall be elected for a term of one year, and until their successors are elected, at a meeting of the stockholders of said corporation, to be held in the town of Brandenburg or the city of Louisville, as the directors may, from time to time, determine, on the first Monday in May of each year. Said directors shall elect a president, a secretary and treasurer, who may be members of said board. The meetings of the board of directors shall be called by the president, or in case of his absence, inability or refusal to act, by a written call by not less than three of the directors. The powers, duties, and compensation of the president and other officers of the company shall be prescribed by the board of directors. The incorporators named herein shall constitute the board of directors until the first annual election provided for herein. In all meetings

Affairs to be managed by board of directors.

of the stockholders they shall be entitled to one vote for each share of stock held by them. They may vote in person or by proxy, subscribed to by them. Of all meetings of the stockholders, five days' notice shall be given by the secretary of the company.

Capital stock.

§ 3. The capital stock of said company shall be one million dollars, divided into shares of one hundred dollars each, which shall be subscribed for and paid for at the times and upon the terms, and transferable in the manner, to be prescribed in the by-laws of said company, and may be paid for in money, lands or services performed. The stockholders of said company may, by a two-thirds vote of all the stock at a meeting called for that purpose, increase said stock not exceeding one million dollars.

Nature of business.

§ 4. Said company is hereby empowered to develop, produce, utilize, convey, or in any otherwise dispose of natural gas, petroleum, salt water, building stone, lithographic and potter's clay, or any of them which may be upon or come from any of the lands which said company may own, lease, acquire or control, or upon which, for any of said purposes, or to do any of the acts in these articles mentioned, it may have or acquire the right; and to these ends said company is empowered to drill, bore or in anywise sink and maintain wells for the purpose of producing such natural gas, petroleum and salt water, or either, and construct, lay or maintain and operate derricks, buildings, machinery, tanks, pipes, reservoirs, receivers, gasometers, warehouses, manufactories, and any other improvements or appliances in or by means of which such gas, petroleum or salt water, or either of them, may be produced, stored, distributed, sold or utilized, and to construct, lay and operate conduit pipes of any kind, and may employ any other suitable means for the conveyance, distribution, storage, sale and utilization of the products of said company either upon, under, to or from any of said lands or other places.



§ 5. With the consent of any city or town within this Commonwealth, by ordinance or resolution of its general council or board of trustees, said company shall have power and authority to open the ground in any street, alley, park, lane, or other public place within its limits, and lay therein, remove, alter, repair and maintain such pipes for so conducting, distributing, vending and utilizing said natural gas for the purposes of illumination and heating, restoring such ground, however, and any improvement thereon, to as good condition as before, within a reasonable time; and in doing the acts mentioned in this section, said company shall commit no injury to any gas or water pipe or sewer laid within the ground.

§ 6. This company shall have power to consolidate with other companies engaged in developing natural gas in Meade county, Kentucky, and the territory contiguous thereto, on such terms as may be agreed upon; and in order to the conveyance of such natural gas to any of the towns or cities within the State, said company shall have power to acquire, by purchase, gift or condemnation, as hereinafter provided, the use of any land along such route or routes as may be selected by the board of directors of said company to lay, maintain and repair such pipes and buildings, retorts and other apparatus or appliances needed to be used in order to properly and economically convey said gas as aforesaid; and in order to such acquisition of such use of lands, said company shall cause such use of, in and over and under only so much as may be necessary to be valued, condemned, and by it paid for in the manner prescribed by an act, entitled "An act to prescribe the mode of condemning lands for the use of railroad and turnpike companies," approved April eleventh, one thousand eight hundred and eighty-two; and said company shall have power and authority to lay their gas mains under the bed of Salt river, or to construct the necessary structure to

support the same over said river, so as not to interfere with the navigation of said stream.

§ 7. The principal place of business of this corporation shall be in the town of Brandenburg, or the city of Louisville, as the directors may, from time to time, determine.

§ 8. The private property of the stockholders and officers shall be exempt from its corporate debts and liabilities.

§ 9. This act shall take effect from and after its passage.

Approved February 25, 1890.

## CHAPTER 226.

AN ACT to incorporate the Somerset Water Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

**Incorporation.** § 1. That Samuel Whinery, O. H. Waddle, A. J. Crawford, J. H. Waddle, W. A. Waddle, their associates and successors, are hereby incorporated and created a body-politic, under the style and corporate name of the "Somerset Water Company," with power to establish, construct and operate, in or near the city of Somerset, Pulaski county, Kentucky, water works for the purpose of supplying water to said city, and the inhabitants there and surrounding country.

**Powers.** § 2. Said corporation may construct reservoirs, water works, pumps and machinery, appendances and appurtenances, and all other apparatus necessary to properly carry on the business of furnishing water to said city of Somerset, and the inhabitants thereof and the surrounding country.

**Directors.** § 3. The affairs of said corporation shall be managed by a board of directors, consisting of five members, from whom said board shall choose a president and a vice-president, secretary and treasurer, and such other

officers as said board of directors may prescribe. The board of directors shall be chosen annually by the stockholders, at such time and place as may be designated by the corporation in a by-law, and said board may fill vacancies in its body. The directors shall hold their offices until their successors are elected and qualified, and a majority of them shall constitute a quorum for the transaction of business. The president, vice-president, secretary and treasurer, shall be elected by the board of directors on the date of the annual meeting of said directors, and shall hold their offices until their successors are elected and qualified; but the secretary and treasurer need not be members of the board of directors. At all elections by the stockholders they may vote in person or by written proxy, and each share of stock shall be entitled to one vote.

§ 4. The capital stock of said corporation shall consist of one hundred thousand dollars, divided into shares of one hundred dollars each, and may be increased to an amount not exceeding two hundred and fifty dollars by the vote of two-thirds of the holders of such capital stock. Samuel Whinery is appointed commissioner, who may, at any time and place, notice of which shall be given by publication in a weekly newspaper published in the city of Somerset, Kentucky, open books for the receipt of subscriptions to the capital stock of said company, and upon subscription thereto of five thousand dollars of said capital stock may at once, or at such time as he may designate, convene subscribers to such capital stock, and organize said corporation by an election of directors, who shall hold their offices until the next general election, and until the election and qualification of their successors; and the annual election of directors for said corporation shall be held on the first Monday in February of each year.

§ 5. Said corporation may acquire, by purchase or lease, any real or personal property necessary or

Capital stock.

May acquire property.

proper for the purposes of said corporation, and the right to lay pipes or aqueducts through any land necessary for its purpose ; and if the corporation, and the owners and proprietors of any property necessary to be taken or used by said corporation for its corporate purposes, shall not agree upon compensation to be made to said owners, the same may be acquired by condemnation, in the way and manner provided for the condemnation of property for railway or turnpike purposes, under the provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to prescribe the mode of condemning land for the uses of railroad and turnpike companies," approved April eleventh, one thousand eight hundred and eighty-two.

§ 6. Said corporation is authorized to take water from  
May lay pipes. any source necessary, and lay its pipes under or over any street, street railway, or railroad track or highway, but in such manner as not to obstruct or impede the passage thereon ; and in laying its pipes across or through any highway or street, or in repairing the same, care shall be taken to leave such streets or highways in as good condition as before by said corporation. And if the source whence said corporation may take water be the private property of any individual, firm or corporation, and the agreement as to compensation be not reached between the owner or proprietor thereof and said corporation, the latter may condemn said right to take such water in the same manner as other property may be condemned by it. Said corporation shall furnish water to the city of Somerset for the extinguishment of fires and cleaning streets, upon such terms as may be agreed upon between said city and said corporation. Said corporation is authorized to sell the privilege of using water conducted through its pipes to any manufactory in the city, or person within the reach of its pipes in Pulaski county, and may make all rules and regula-

tions as to the manner and time of taking water therefrom, and preventing the waste of such water.

§ 7. Said corporation may appoint one or more Watchmen. watchmen to guard and protect their reservoirs, pipes and other property.

§ 8. If any person shall willfully and maliciously defile, corrupt, or render impure any water used by said company, or willfully destroy or injure any pipes, hydrants, valves, valve-boxes, reservoir building, fountain, or any other property belonging to said corporation; such person or persons shall be liable in civil action to said corporation for damages caused thereby; and also, upon conviction, to imprisonment in the county jail for not less than thirty days nor more than one year.

§ 9. Said corporation may issue bonds in denomina- Bonds. tions of not less than one hundred dollars each, in amount not exceeding two hundred thousand dollars, with coupons attached for the payment of interest thereon; said bonds to mature in not less than ten days nor more than thirty years, and to bear interest at any rate not exceeding six per centum per annum, payable semi-annually; and to secure the payment of said bonds and coupons by a mortgage of its franchises and property, and sell and dispose of said bonds as the board of directors of said corporation may think best for its interests.

§ 10. It shall be lawful for the board of councilmen Contracts. of the city of Somerset to enter into a contract with the said corporation for the supply, by said corporation to said city, of water for the extinguishment of fires, and for all public purposes, upon such terms as may be agreed upon between said board of councilmen and said Somerset Water Company. Said board of councilmen are authorized to levy an additional tax upon the property in said city to enable them to pay for such water supply, which tax shall be levied and collected as other taxes of said city.

§ 11. The private property of the incorporators and stockholders shall be exempt from corporate debts.

§ 12. This act shall take effect from and after its passage.

Approved February 25, 1890.

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## CHAPTER 227.

AN ACT to incorporate the Middlesborough Water Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

**Incorporators.** § 1. That E. T. Halsey, Matt Walton, Rozel Weisinger, C. M. Woodbury and W. E. Scarrit, their associates, successors and assigns, are hereby made a corporation, by the name of Middlesborough Water Company, with power and authority to construct and establish within the city of Middlesborough, in Bell county, Kentucky, or adjacent thereto, water works, for the purpose of supplying said city and its inhabitants with water; and by that name shall have perpetual succession, and be capable of suing and being sued; may have a common seal, and alter the same at pleasure; may have power to contract and be contracted with, and acquire, hold and transfer real and personal property, and do any and every other thing necessary, proper and convenient to be done to carry out the purposes of the corporation as completely as a natural person may do.

**Capital stock.** § 2. The capital stock of this corporation shall consist of not more than five hundred thousand dollars (\$500,000), divided into one hundred thousand shares (100,000) of five dollars (\$5.00) each; which stock shall be subscribed and paid for in cash at par, as and when called by the board of directors; or may be paid for in property, rights, or franchises, or in services performed for the company, which, in the judgment of the board of directors, may be equiva-

lent to par. Any individual or corporation in or out of this State is authorized to subscribe for and hold stock in this company.

§ 3. The incorporators named in the first section, or <sup>Board of directors.</sup> a majority of them, shall constitute the first board of directors; and whenever five thousand shares, twenty-five thousand dollars of the capital stock, shall have been subscribed for and paid in, they may organize this corporation and begin business, and serve as such directors until their successors are duly elected and qualified. The directors may open stock books for subscriptions to the capital stock of the company at such time and place, and for such length of time, as they may deem necessary. The capital stock of the company is declared to be personal property, and may be issued, certified, transferred and registered in such manner and at such place as may be provided by the board of directors.

§ 4. The affairs of this corporation shall be managed by a board of not less than five or more than nine directors, who shall be stockholders. The directors shall be annually elected by the stockholders, shall hold their offices for one year or until their successors are elected and qualified. The directors shall have power to fill vacancies in the board. They shall elect a president from their number, and such other officers and agents for the corporation as they may deem necessary. They shall have power to adopt such by-laws for the government of the company, its officers, agents and employes, in the general conduct and management of its business, as they may deem advisable and proper; and may alter, amend and repeal the same at will, subject to the right of the stockholders at any meeting to make, alter, amend or repeal any by-laws. The by-laws shall provide for an annual election of the board of directors, and for annual and extraordinary meetings of the stockholders, at which meetings each stockholder shall be entitled to one vote for each share of stock held <sup>Powers.</sup>

by him, and such votes may be cast in person or by written proxy.

**May purchase real estate.** § 5. The said corporation may purchase, take and hold, in fee-simple, or for any less estate, any lands or materials necessary for the object of this act, and for the convenient management of the concerns of the corporation; and may acquire the right to lay their pipes and aqueducts through any land through which it may be necessary to lay the same, and to repair the same when necessary; and may erect and establish such buildings, engines, machinery and reservoirs as may be required for the purpose aforesaid. If the proprietors of any lands or materials which said corporation may need for any of the purposes aforesaid, or the owners of any easement or right of way which the corporation may require for laying its pipes and aqueducts, do not agree with the company the price to be paid therefor, this company may acquire such land or right of way or materials, and shall have the same power to condemn the same, and by the same proceedings, as is given by the general law to railroad corporations.

**May lay pipes.** § 6. The corporation is hereby authorized and empowered to take water from the Cumberland river, Yellow creek, or any other stream or place; and may lay its pipes or aqueducts under or over any railroad, canal, creek, highway or street in Middlesborough, with the consent of the city authorities thereof, or elsewhere; but the same shall be done in such manner as not to unnecessarily obstruct or impede the passage thereon. In laying its pipes or aqueducts across or through any highway or street, and in repairing such pipes and aqueducts from time to time, said corporation shall not unnecessarily obstruct such highway or street; and in every case of the removal of any earth or pavement in any such highway or street, the said corporation shall cause the earth to be replaced and the pavement to be laid new, so that such



highway or street shall be in as good condition as the same was before such removal.

§ 7. In the laying and construction of the pipes <sup>Contract with city.</sup> and aqueducts in the city of Middlesborough, the same shall be so laid and constructed that an abundant supply of water can be drawn therefrom for the extinguishment of fires; and said corporation shall furnish water to the city of Middlesborough for the extinguishment of fires and cleaning streets, upon such terms as may be agreed between it and the authorities of said city; and it shall have the exclusive right to furnish water to the inhabitants of said city, by means of pipes or aqueducts, if the authorities of said city shall agree thereto, and upon such terms and for such time as may be agreed.

§ 8. The said corporation is hereby empowered to <sup>May sell water.</sup> sell the privilege of using the water, which may be conducted through its pipes or aqueducts, to any corporation or person; and the said corporation may make all reasonable rules and regulations as to the manner and the times in which said water may be taken and used, and may suspend the supply of water to any person or corporation for a violation of its rules and regulations, and may impose fines of not exceeding five dollars for each offense against any person violating said rules and regulations.

§ 9. This corporation may issue its bonds for the <sup>Bonds.</sup> purpose of building and establishing its water-works in such amount as it may find necessary, not to exceed five hundred thousand dollars, payable not more than fifty years from their issue, bearing interest at not more than six per cent. semi-annually, and payable as it may direct, and sell the same at such discount as it may deem advisable, and secure the same by mortgage on its lands, property and water rents.

§ 10. The said company may make contracts with <sup>Contract.</sup> any corporation, company, individual or individuals for constructing its water-works, its plant or equipment, and laying its pipes, mains or any part thereof,

and may pay for the same, wholly or partially, in the stock, bonds or other property of this company, in such manner and upon such conditions as may be deemed best for its interests.

City may purchase.

§ 11. The city of Middlesborough may, at any time after ten years, purchase the said corporation, its franchises, and all its personal and real property, by paying therefor such a sum as, together with its receipts, will reimburse the whole amount expended, with an annual interest of ten per cent.; and from and after the execution of the conveyance, the said city of Middlesborough shall have all the right, and be subject to all the duties in this act expressed, as to said corporation.

Penalty.

§ 12. If any person shall willfully and maliciously defile, corrupt, or make impure any water used by said corporation, or destroy or injure any pipe, aqueduct, dam, reservoir or machinery, or other property of said corporation, such person, and all who shall aid or abet therein, shall forfeit, to the use of said corporation, the amount of damages caused thereby, to be recovered in a civil action by this corporation, and shall be guilty of a misdemeanor, and liable to a fine of not exceeding one thousand dollars, or to imprisonment in the county jail of Bell county, or the work-house of Middlesborough, for not exceeding one year.

Water rates.

§ 13. That the price of water furnished by said company to the city of Middlesborough and the inhabitants thereof shall not exceed the average price charged in the cities of Knoxville, Tennessee; Chattanooga, Tennessee, and Lexington, Kentucky; and the company hereby incorporated shall complete a system of water-works and water supply for Middlesborough in five years from the passage hereof, otherwise this charter shall be forfeited.

Penalty.

§ 14. This corporation shall have the exclusive control and management of its mains and pipes, so far as they are placed within the streets, alleys or public

ways of Middlesborough up to the line of private property ; and no person shall have any right to tap or make any connection therewith, or use of the same, without the consent of this company.

§ 15. This act shall take effect from and after its passage.

Approved February 25, 1890.

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## CHAPTER 228.

AN ACT for the benefit of Miss Ida Allen, of Daveiss county.

WHEREAS, Miss Ida Allen taught the five months' common school in school district number eighty-five, Daveiss county, during the school-year ending June thirtieth, one thousand eight hundred and eighty-nine, but had failed, by oversight, to secure a certificate of qualification until one month after the commencement of the school ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Superintendent of Public Instruction be, and is hereby, authorized to draw his draft for the benefit of said district for said school-year on the Auditor of Public Accounts, in favor of T. F. Birkhead, county superintendent of common schools of said county, for the sum of thirty-one dollars and eighty-six cents (\$31.86), payable out of the unexpended interest and surplus of the Daveiss county surplus bond for the school-year ending June thirtieth, one thousand eight hundred and ninety, for the benefit of Miss Ida Allen, and that the same be paid to her, through the county superintendent of Daveiss county, out of public school fund.

§ 2. This act shall take effect from its passage.

Approved February 25, 1890.

## CHAPTER 229.

AN ACT to amend an act, entitled "An act incorporating the United States Mail Line Company," approved February twenty-seventh, one thousand eight hundred and sixty-five.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the capital stock of said company may consist of two hundred and fifty thousand dollars, in shares of one hundred dollars each, with the right to increase, as allowed by said charter.

§ 2. It shall be lawful for the board of directors of said company to call in and cancel the outstanding certificates of stock, and to issue to the holders in lieu thereof certificates for shares of the par value of one hundred dollars each, and such number of shares of that value as shall be required to give the stockholder the same proportionate interest in the new capitalization of two hundred and fifty thousand dollars as he had in the old capitalization.

§ 3. This act shall only become operative when assented to by the holders of a majority of the stock of said company.

§ 4. This act shall take effect from its passage.

Approved February 25, 1890.

## CHAPTER 230.

AN ACT to amend the charter of the Henderson State Line Railroad Company, approved April twelve, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. The name of the company is changed to Chicago, Henderson, Bowling Green and Chattanooga Railroad Company, and the organization of the Henderson State Line Railroad Company, and the sub-

scriptions of stock thereto, are hereby ratified and confirmed unto the Chicago, Henderson, Bowling Green and Chattanooga Railroad Company.

§ 2. Section two of said act is amended to read as follows, namely : Said company is given the right to construct, equip, maintain and operate a railroad of one or more tracks, and of such gauge as it may adopt, with all such side-tracks, switches, depots and other structures and appurtenances as may be necessary for the successful conduct of the business of said company. Said railroad shall begin in or near the city of Henderson, and run thence to, and by the consent of the city council, through the city of Bowling Green, Warren county, and may run to the Tennessee State line, in the general direction of Chattanooga, Tennessee.

§ 3. Section five is amended as follows, namely : The capital stock of said company shall be two million dollars, but may be increased by the stockholders to twenty thousand dollars per mile of road surveyed and located.

§ 4. Section fourteen of said act is repealed, and in lieu thereof it is enacted that said company shall locate and survey their work within one year from the passage of this act, and is required to commence in good faith the construction of said road within two years from the passage of this act ; and is required to complete same to Bowling Green, Kentucky, within three years from the passage of this act.

§ 5. The provisions of section ten of the original act (hereby amended) shall not apply to Hopkins county.

§ 6. This act shall take effect from its passage.

Approved February 25, 1890.

## CHAPTER 231.

AN ACT to incorporate the Bank of Cumberland.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Capital stock.

§ 1. That there is hereby established a bank in the town of Burksville, Cumberland county, Kentucky, with a capital of fifty thousand dollars in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified ; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the "Bank of Cumberland," and may so continue for thirty years from its organization ; but the board of directors of said bank are authorized and empowered to wind up its affairs whenever the owners of two-thirds of its stock determine that the interest of the company require its discontinuance ; and to effect this, the board shall have all powers necessary to wind up and liquidate the affairs of said bank upon equitable principles.

Powers and privileges.

§ 2. Said corporation shall have all the privileges of a natural person in contracting and being contracted with, in suing and being sued, in its corporate name, in all places and courts whatever ; and may have and use a common seal, and change the same at pleasure.

Board of directors to control.

§ 3. Said bank shall be under the control of not less than five nor more than seven directors, each of whom shall be a stockholder, and shall be chosen on the first Tuesday of June in each year ; or if not on that day, from any cause, then as soon thereafter as convenient, and shall hold their offices until their successors are elected and qualified ; they shall appoint one of their number president, and may, if they think best, at any time appoint also from their number a vice-president, who shall hold their positions at the

pleasure of the board of directors. The board shall hold regular meetings upon such times as they may fix, and such call meetings as they may deem necessary. In case of death, removal, or resignation of any director or officer, the vacancy shall be filled by the board of directors; the board shall have power to receive subscriptions for so many of the shares of the capital stock remaining unsold as they may at any time decide to sell; may declare dividends; appoint such officers, agents or servants as they think necessary to conduct the business of the bank, and pay them such wages or salaries for their services, and take from them such bonds to secure the faithful performance of their duties, as they may think proper; and shall prescribe such rules as they may think best for the transfer of the stock on the books of the bank by the stockholders or by an attorney. The stock shall be personal property.

§ 4. H. C. Trigg, J. A. Dixon, W. F. Owsley, Wil-  
liam Barton, John P. Frank, T. V. Stephenson and  
W. F. Alexander are hereby appointed directors, who  
are to serve until their successors are elected and  
qualified; and may open books of subscription to  
the capital stock of the corporation, and when shares  
to the amount of twenty-five thousand dollars shall  
have been subscribed and paid in, the bank may begin  
business. Directors.

§ 5. The bank may receive deposits of gold, silver,  
bullion, currency, or any thing lawfully circulating  
as money, and repay the same in such manner, at  
such times, and with such interest, not to exceed the  
rate fixed by law, as may be agreed upon with the  
depositors by special or general contract. It may  
borrow or lend money, buy or sell checks, drafts,  
bills of exchange, promissory notes, uncurrent money,  
bonds, stocks, mortgages and other evidences of debt,  
and do a general banking business; may take per-  
sonal or other securities for the payment of obliga-  
tions, and dispose of the latter in accordance with Deposits.

the provisions of an act, entitled "An act for the benefit of incorporated banks of Kentucky," approved March sixteenth, one thousand eight hundred and seventy-one; and such disposition shall pass a valid title to the same. It may receive deposits from minors and married women, and their checks, receipts or acquittances shall be valid. All promissory notes and bills of exchange made negotiable and payable at the banking-house of said corporation, or at any other incorporated bank, may be discounted by it, and they shall be thereby placed upon the footing of a foreign bill of exchange.

Real estate. § 6. The bank may acquire, hold and use all such real estate, goods and chattels, as may be convenient for the transactions of its business, or which may be conveyed to it as security, or in satisfaction of any debt, judgment or decree, and may sell and convey the same at pleasure: *Provided*, It shall not hold any real estate for a longer period than five years. The board of directors may make all needful by-laws for the government of said bank not inconsistent with law.

§ 7. The private property of the stockholders shall not be liable for the debts of the corporation.

Oath. § 8. Before entering upon their duties, the president, directors and other officers of the bank shall take an oath before some justice of the peace or notary public to faithfully and honestly discharge all the duties incumbent upon them under this charter, and that they will not permit any violation of it.

§ 9. Nothing in this charter shall be construed to allow the bank to issue any note or bill to pass or circulate as money.

May act as guardian, etc. § 10. That said corporation may be appointed and may act as guardian of infants, as executor or administrator of decedents' estates, or as receiver, assignee, or other trustee, whether appointed by deed, by last will and testament, or by any court of record within this Commonwealth, or in any other man-



ner not inconsistent with law. It may receive and hold in trust estates real and personal, including bonds, notes, obligations and accounts of estates and individuals, of companies and corporations, private or public; and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same in this State or elsewhere, and may accept and execute all such trusts of every description, not inconsistent with the laws of this State, as may be committed to it by any person or persons, or by any corporation, or by any court of record in this State. It shall have a trust department, and all of its business of a fiduciary capacity and character shall be kept in a separate and special set of books.

§ 11. In the exercise by said bank of the powers Penalties. herein authorized by the eleventh section of this act as guardian, executor, administrator, or any office or duty imposed by a court, said corporation shall be subject to the same duties and responsibilities, and shall have the same powers, and shall receive the same compensation, as may be fixed by law with relation to individuals holding similar offices or trusts.

§ 12. This act to take effect and be in force from and after its passage.

Approved February 25, 1890.

## CHAPTER 232.

AN ACT to amend an act, entitled "An act to incorporate the trustees of the First Presbyterian Church of Louisville," approved February twenty-first, one thousand eight hundred and eighty.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act of said General Assembly, entitled "An act to incorporate the trustees of the First Presbyterian Church of Louisville," approved February twenty-first, one thousand eight hundred and eighty,

be, and the same is hereby, amended by adding to the fourth section thereof the following words, namely : "The assent of said church to a sale or conveyance of any part of its real estate may be given either in the shape of directions to the trustees to sell, at a meeting held as above directed, previous to any negotiation of a sale, or by the ratification of a sale theretofore negotiated at a meeting held afterward, or by the acceptance at such a meeting of any offer theretofore made to said trustees for the purchase of such property."

§ 2. And section five of said act is hereby amended by adding thereto the following words, namely : "And shall have organized," so that the last clause of said fifth section shall read as follows, namely : "And upon the first Monday of January of each year successors of the said trustees shall be elected by the congregation of the said First Presbyterian Church of Louisville ; and the persons so elected in any year shall hold the office of trustees as aforesaid until their successors shall have been elected and shall have organized."

§ 3. And said act is hereby further amended by adding thereto the following section, namely : "Section 11. The said corporation, 'Trustees of the First Presbyterian Church of Louisville,' shall have power at any time to borrow money upon mortgage or otherwise for the purpose of erecting or completing and furnishing a new church edifice for its own use and occupation, or for the purpose of paying for such edifice theretofore erected and furnished, or for the purpose of making or erecting addition or additions to any such edifice theretofore erected, but for no other purposes whatever ; but the principal of such sums so borrowed shall at no time exceed the sum of ten thousand dollars, and such loans shall be authorized by a meeting of the church, to be called by a notice given at least two Sabbaths in advance from the pulpit, at a regular Sabbath morning service."

§ 4. This act shall take effect and be in force from and after its passage.

Approved February 25, 1890.

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CHAPTER 233.

AN ACT to incorporate the Deposit Bank of Beaver Dam, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a bank is hereby created and established Bank established. in the town of Beaver Dam, Ohio county, Kentucky.

§ 2. That the subscribers to the capital stock thereof, together with their associates, successors and assigns, Incorporated. and all other persons who shall become stockholders in this incorporation, shall be, and they are hereby, made and created a body-corporate and politic, under the name and style of the Deposit Bank; and by that name shall be made capable to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court or place whatsoever, and have all the powers hereinafter given; and make and use a common seal, and the same to alter and renew at pleasure; also make, establish and put into execution such by-laws as may be necessary or convenient for the government and management of its business, not inconsistent with, or contrary to, the Constitution and laws of the State of Kentucky or the United States.

§ 3. That I. P. Barnard, T. J. Smith and R. P. Incorporators. Hocker are hereby appointed commissioners to receive subscriptions to the capital stock of said bank, any two of whom may act; and when the sum of twenty-five thousand (\$25,000) dollars shall have been subscribed, said commissioners shall give notice of the time and place of meeting of the subscribers, in the town of Beaver Dam, and the corporation may organize and begin business when ten thousand (\$10,000) dollars of

Organized by  
lecting officers.

subscribed stock shall have been paid in, and when the president or cashier of said bank, elected as hereinafter provided, shall have made oath to the fact of such payment before some judge, justice, or notary; and the remaining fifteen thousand (\$15,000) dollars subscribed shall be paid in such manner and at such times as the board of directors may direct.

Capital stock.

Increase of capital  
stock.

§ 4. The capital stock of said bank shall be twenty-five thousand dollars, divided into shares of one hundred dollars each, and may be increased from time to time by a majority vote of the stockholders to one hundred thousand dollars: *Provided*, That fifty per cent. of any increase shall be paid up in cash, but not to exceed that amount. At all elections for directors, or upon all questions submitted to the stockholders for their vote or decision, each share of stock shall be entitled to one vote. The board of directors elected on the organization of the corporation shall hold their offices until the first Monday in May succeeding such election, and until their successors are elected and qualified.

Board of directors  
to control.

§ 5. Said corporation shall be under the control of not less than three nor more than five directors, who shall be stockholders and residents of this State. They shall be elected by the stockholders, and the election shall be held at the office of the bank, under the direction of three stockholders named by the directors. The vote may be cast by person or proxy. A plurality of the vote of the stockholders represented at any election shall be necessary to a choice.

Annual election.

The regular election for directors shall be held on the first Monday of May in each year, and they shall hold their offices for one year, and until their successors are elected and qualified. They shall elect one of their number president, and in case of a vacancy by death, resignation or otherwise, of any director or the president, the vacancy shall be filled by the remaining members of the board of directors. Should an election for directors from any cause fail to be

held on the day herebefore designated, the corporation shall not from that cause be dissolved, but the directors chosen at the preceding election shall continue to hold until the next annual election, and until their successors are elected and qualified. The office of cashier shall not be incompatible with that of director.

§ 6. The directors shall have power to receive sub-<sup>Subscription of</sup>scriptions for so many of the shares of said bank remaining unsold as they may at times choose to sell; to declare dividends; elect one of their number president, and appoint such officers, agents and servants as they may deem necessary to conduct the business of the corporation, and pay them such wages, and take from them such bonds for the faithful discharge of their duties as they may deem proper. The stock<sup>Transfer of</sup> shall be deemed to be personal property, and shall be assignable only on the books of the company; but said corporation shall have a lien on the stock to secure any indebtedness of the stockholders on any portion of unpaid stock. Every stockholder shall be individually liable to the creditors of the bank to the full amount of stock subscribed and owned by him; but when the same shall be paid in full by them, no further individual liability shall attach to said stockholders. If a call be made for only a part of the full amount of stock subscribed, any subscriber may nevertheless pay in his full subscription.

§ 7. That said bank shall have power to transact a<sup>General busi-</sup>general banking and financial business; to loan and advance money, discount promissory notes, buy and sell exchange, stocks and all kinds of mercantile securities; may buy and sell gold and silver coin, and all other evidences of indebtedness, except that it shall not have power to make or issue notes of its own to be circulated as money. The promissory notes<sup>Bills of ex-</sup> and the bills of exchange made negotiable and payable at its banking-house, or at any other banking-

house, when discounted by this bank, shall be, and they are hereby, put upon the same footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the makers, drawers and indorsers. The said bank shall have the power to make advances on approved security, upon agricultural products, including growing crops, and upon all manufactures and fixtures as personal property. It may receive in pledge, or as security for money loaned or debts owing it, bonds, stocks, produce and merchandise, United States vouchers, certificates or bonds of indebtedness, or the bonds of this or any other State, city, county, or of any company incorporated by the United States or any State, and sell the same on the non-payment of the debt or demand by ordinary course of judicial proceedings.

§ 8. That said bank may receive deposits of gold, bank notes, or other notes which may be circulated as money, and repay the same in such manner, at such times, and with such interest as may be agreed upon with the depositors by special or general contract, not exceeding, however, six per centum.

§ 9. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid.

§ 10. That said bank may acquire, hold, use, occupy and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or to further the object of its creation, or which may be conveyed to it as surety for any debt, or purchased in aid of the satisfaction of any debt, judgment or decree: *Provided*, Said bank shall not hold any real estate they acquired, except such as may be necessary for the transaction of its business, longer than five years.

§ 11. The president and other officers of this bank, before entering upon their duties, shall take an oath

before some justice of the peace or notary to faithfully and honestly perform their respective duties as required by this charter.

§ 12. That this charter shall continue for thirty years; and the General Assembly reserves the right to repeal or amend the same at pleasure.

§ 13. This act shall take effect from its passage.

Approved February 25, 1890.

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## CHAPTER 234

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the town of New Columbus, in Owen county,'" approved February twenty-third, one thousand eight hundred and seventy-four, and all subsequent amendments thereto.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section one of an act approved April eighth, one thousand eight hundred and eighty-two, entitled "An act to amend an act, entitled 'An act to incorporate the town of New Columbus, in Owen county,'" approved February twenty-third, one thousand eight hundred and seventy-four, and all subsequent amendments thereto, be so amended as to repeal the right therein granted to the trustees of said town to charge and collect a license of druggists within said corporate limits, and no such license shall be required, it appearing that the local option law is in force therein, and that any sale by druggists is for medicinal purposes, and otherwise regulated by the general law

§ 2. This act shall take effect from its passage.

Approved February 25, 1890.

## CHAPTER 235.

AN ACT to empower and authorize the city of Bowling Green to issue twenty thousand dollars of public improvement bonds.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Issue bonds.

§ 1. The board of councilmen of the city of Bowling Green shall have power to issue the bonds of said city for any amount not exceeding twenty thousand dollars, and dispose of same at public or private sale, in such amounts and at such times as it may determine; said bonds to be styled "Public Improvement Bonds," and the proceeds thereof are to be used in improving and repairing the streets and sewers of said city. Said bonds may be of any denomination not exceeding one thousand dollars each, as may be determined by the said board, provided the entire amount to be issued shall not exceed twenty thousand dollars. Said bonds shall run for twenty-five years; shall bear interest at five per cent. per annum, payable semi-annually, and shall be payable to bearer, and shall pass by delivery. Said bonds shall be signed by the mayor, and shall have the seal of the city affixed thereto, and shall be attested by the city clerk. The coupons for the interest shall bear the written or engraved signature of the clerk. Said bonds shall be exempt from all taxation levied by said city. The board of councilmen shall make provision for the payment of the interest on said bonds out of the current revenues of the city, and, in addition to the amounts now required by law to be paid over to the sinking fund of said city, there shall hereafter be paid annually the sum of five hundred dollars out of the current revenues of the city into the sinking fund: *Provided*, That the said bonds shall not be issued until the question of their issue shall have been submitted to the qualified voters of said city; and if a majority

Vote on question.



of said voters who shall vote at said election shall vote in favor of the issue of said bonds, it shall be the duty of said board of councilmen to issue said bonds as aforesaid.

§ 2. It shall be the duty of the board of councilmen to designate the day on which said election will be held, and said board shall give notice of said date, and of the purposes of the election, at least fifteen days before the day of the election, by publication in one or more of the newspapers published in said city, on five or more different days. Said election shall be held at the several voting places in said city, and shall be conducted in the same manner as is now provided by law for the election of mayor, except that the poll-books shall have two columns, one headed "For public improvements," and the other headed "Against public improvements," and the names of those voting to be recorded under one or the other of said heads, in accordance with the vote of each person who may vote. Said poll-books shall be examined, compared and returned in the same manner as is now required by law in the election of mayor in said city. If a majority of the persons voting shall vote "for public improvements," the fact shall, at the next regular meeting of the board of councilmen, be entered upon the journal, and the board shall, by resolution, declare the result of the election to be in favor of issuing the bonds, and may cause them to be issued and sold as hereinbefore provided; but if a majority of the voters voting in said election shall vote "against public improvements," it shall be recorded in the journal of said board, and the result of the election shall be declared by said board against the issuance of the bonds: *Provided*, That if the result of said election shall be against the issuing of the bonds, the board of councilmen may, at any time not less than one hundred and twenty days from the day of said election, resubmit said proposition, in the same manner herein-

Date to be advertised.

Poll-books.

before provided, and the result of said election shall be ascertained and declared as hereinbefore provided.

§ 3. This act shall take effect and be in force from its passage.

Approved February 25, 1890.

## CHAPTER 236.

AN ACT to amend an act, entitled "An act to incorporate the town of South Louisville," approved May seventeenth, one thousand eight hundred and eighty-six.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to incorporate the town of South Louisville, in Jefferson county, Kentucky," approved May seventeenth, one thousand eight hundred and eighty-six, be amended as follows :  
President to be elected. That on the first Monday of April, one thousand eight hundred and ninety, and every two years thereafter, there shall be elected by the qualified voters of the said town a president of the board of trustees thereof, who shall have the same qualifications and powers as now possessed and required by the charter of said town, who shall hold his office until his successor is elected and qualified.  
Salary. The president shall receive a salary, to be fixed by the board of trustees of the said town, in any sum not exceeding fifteen hundred dollars per annum. Said salary, when fixed, shall be payable monthly.  
Duties of president. The president shall preside over the deliberations of the board of trustees, enforce all rules of decorum established by said board, and shall have a vote upon all questions coming up in said board of trustees.

§ 2. The president and board of trustees shall, in the month of April, one thousand eight hundred and ninety, and annually thereafter, elect an officer, who shall be styled "Marshal of South Louisville," whose  
Board of trustees to elect officers.

duties it shall be to keep the peace of the said town, execute all process which may come to his hands from the court of the president and the board of trustees, and, in addition thereto, shall possess such powers and perform such duties as allowed by law to a constable of Jefferson county, Kentucky; and the president and the board of trustees shall elect such deputies for the said marshal as they may deem necessary to enable him to execute and perform the duties herein imposed upon him.

§ 3. All of said officers shall receive such compensation and payable in such manner as the president and the trustees shall direct. He shall in addition, when he performs like duties, receive therefor such fees and commissions as are now allowed by law to constables for Jefferson county. Compensation.

§ 4. Before assuming the duties of office, the said marshal and his deputies shall, in addition to oath prescribed by the Constitution of Kentucky, take such oath and execute such covenant as the president and board of directors shall, by ordinance, prescribe. Oath.

§ 5. Hereafter only four trustees shall be elected as prescribed by section three, who shall constitute the board of trustees. Board of trustees.

§ 6. This act shall take effect only upon its being published at least three times in two daily papers in the city of Louisville, and after it has been approved by a majority of the qualified voters of the town of South Louisville, voting for or against the same, at a special election, which is hereby ordered to be held on such day as the trustees of the said town shall, by resolution, fix for the purpose of taking the sense of the qualified voters aforesaid in the premises. The said election to be held under and according to the laws and according to the laws and ordinances regulating elections in the town of South Louisville. Vote on question of this amendment. Election—how held.

§ 7. This act shall take effect from its passage.

Approved February 25, 1890.

## CHAPTER 237.

AN ACT authorizing the trustees of the town of South Louisville to issue fifty thousand dollars of bonds of said town for municipal purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the trustees of the town of South Louisville are hereby authorized and empowered to cause to be prepared and issued fifty thousand dollars of coupon bonds of said town ; the proceeds of which shall be used for municipal purposes.

§ 2. Fifteen thousand dollars of said bonds to be of the denomination of one hundred dollars each ; ten thousand dollars to be of the denomination of five hundred dollars each, and twenty-five thousand dollars thereof to be of one thousand dollars each. All of the said bonds to be dated.

§ 3. The said bonds to be dated and bear date as of their issuance, and bear interest at the rate of six per centum, interest payable semi-annually.

§ 4. The principal of said bonds shall be payable twenty years after their date ; interest and principal to be payable at the office of the Fidelity Trust and Safety Vault Company in the city of Louisville, Kentucky.

§ 5. In order to provide for the payment of the principal and interest of said bonds when due, the trustees of said town are authorized to establish, by ordinance, a sinking fund ; and set apart out of the revenues of said town, annually, such sum or sums of money as may be necessary to pay the interest upon the said bonds as it falls due, and finally to extinguish and pay off the principal of the said bonds when due.

§ 6. The said bonds shall be numbered, signed by the president of the board of trustees of South Louisville, and countersigned by the treasurer of the said town.

§ 7. The coupons representing the interest of the said bonds shall be signed by the treasurer of the said town alone.

§ 8. So soon as the said bonds are issued as <sup>Sell bonds.</sup> hereinbefore authorized, the president and trustees shall sell the same, or any part thereof, as they may deem best for the interest of said town, at the highest price which they may be able to obtain, the proceeds to be paid over to the treasurer of said town.

§ 9. The proceeds of the sale of the said bonds shall <sup>Proceeds.</sup> be expended at such times and in such amounts and for such municipal purposes as the trustees shall, by ordinance, direct.

§ 10. This act shall take effect only upon its being <sup>Publication.</sup> published at least three times in two daily papers in the city of Louisville, and after it has been approved by a majority of the qualified voters of the town of South Louisville voting for or against the same at a special election, which is hereby ordered to be held on such day as the trustees of the said town shall, by resolution, fix for the purpose of taking the sense of the qualified voters aforesaid in the premises. The said election to be held under and according to the laws and ordinances regulating elections in the town of South Louisville.

Approved February 25, 1890.

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## CHAPTER 238.

AN ACT for the benefit of John W. Ridgeway, of Henry county, and allowing him certain credit by the Auditor in his next settlement as sheriff of Henry county.

WHEREAS, The Commonwealth's part of a fine, and the jury fee in the case of the Commonwealth of Kentucky against one Victor Minor, in the Henry Circuit Court, to wit: Twenty-six dollars and fifty cents, was paid to the trustee of the jury fund at the October

term, one thousand eight hundred and eighty-eight, and the same amount (twenty-six dollars and fifty cents) in the same case was again paid by John W. Ridgeway, sheriff of Henry county, to the same trustee of the jury fund at the April term, one thousand eight hundred and eighty-nine of said court, all of which appears by reference to S. J. Douthitt's clerk report of October, one thousand eight hundred and eighty-eight; and also trustee's settlement April, one thousand eight hundred and eighty-nine, now on file in the Auditor's office; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of John W. Ridgeway for the sum of twenty-six dollars and fifty cents (\$26.50), payable out of any money in the Treasury not otherwise appropriated.

§ 2. That this act take effect from its passage.

Approved February 25, 1890

## CHAPTER 239.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the charter of the town of Owingsville, Bath county, Kentucky."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section eight of article sixth of said act be amended by adding to the end of section eighth of article sixth the following words: "If the marshal or tax collector, or other person having taxes of any character levied by said town in his hands for collection, believes another person to be indebted in money or property to the person owing taxes, and believes he can not otherwise collect the tax, he shall deliver, or

Duty of tax collector.

cause to be delivered, to the person owing the taxes, and to the person owing him, anywhere they may be found, written notice, in substance as follows:

“ ‘Mr. A. B.: The taxes due by C. D. to the town of Owingsville, amounting to the sum of — dollars and — cents; to that extent you are notified not to pay or deliver to him any money or property which you now are or may hereafter be indebted to him, and to appear before the police judge of Owingsville on the — day of —, one thousand eight hundred and —, to show cause why you should not be adjudged to pay said taxes. This — day of —, one thousand eight hundred and —.

“ ‘—————, *Marshal.*’ ”

Which notice shall be served five days before it can be heard. Which notice shall be signed by the marshal or collector, or other person having said taxes for collection, and shall operate to enjoin the persons named in it from paying the amount mentioned in the notice—money, property or other thing of value—owing at the time of the service of the notice, or accruing thereafter, until the matter is heard by the said police judge. On the hearing by the police judge, the debtor of the delinquent shall be compelled to disclose all matters in relation thereto, and which proceeding shall then be heard and determined by said judge under the general law applicable to attachment action in civil cases: *Provided, however,* That the delinquent shall not be entitled to any exemptions; which proceeding shall be docketed in the name of the Commonwealth of Kentucky for the use of the town of Owingsville.

Publication of  
notice.

§ 2. That said article six be further amended by adding to the end of section nine thereof these words:

“That all sidewalks in said town caused to be made or repaired by the council under said section nine of said article sixth, shall be well curbed with stone and made of good hard brick, and those in front of or binding on property used for business purposes shall

Repair side-  
walks.

be not less than nine feet wide ; all other sidewalks so made shall be well curbed with stone, and made of hard brick, not less than six feet wide, and that the costs of said repairs and the costs of construction of said sidewalks, when caused to be made by the council, shall be a lien on the property, which lien shall be enforced as a mortgage lien by proper proceedings in the Bath Circuit Court or Bath Common Pleas Court, in which proceedings a sale of said property, or sufficient thereof, may be sold or rented out to pay the cost of the suit and the cost of the construction of said sidewalks, together with ten per cent. thereon."

§ 3. That this act shall be in force and effect from its passage.

Approved February 25, 1890.

## CHAPTER 240.

AN ACT to incorporate the board of trustees of the Kentucky Universalist Convention.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Frank Teague, G. G. Clark, S. L. Grady, H. C. Knox, John P. Prowse and B. F. Ligon, and their successors in office, be, and they are hereby, appointed and created a body-politic and corporate, by the name of the "Board of Trustees of the Kentucky Universalist Convention," and by that name shall have perpetual succession ; may have and use a common seal, and may change the same at discretion ; and may contract and be contracted with, sue and be sued, plead and be impleaded, and shall have all rights and powers of religious corporations, not inconsistent with the Constitution and laws of this State and the Constitution and laws of the United States of America.

§ 2. That the said persons above-named shall constitute the board of trustees for said convention.

Board of trustees.



until the regular election for trustees under the rules and regulations of said convention ; and their successors shall be elected as required by said rules and usages, and by the laws and discipline of the same. A majority of the said board shall constitute a quorum for the transaction of business. They shall elect from their number a chairman, who shall vote only in case of a tie ; and the secretary of the said State convention shall be also the secretary of the said board of trustees. They shall keep a record, which shall at all times be open to the inspection of the officers and members of the said State convention.

§ 3. The said board of trustees shall have full power to take by gift, purchase, devise, bequest, release, assignment or otherwise, any real or personal estate or property ; and the legal title to such property now so owned or held for the use of the said State convention shall vest in the said board of trustees, and they shall own and control all property so as aforesaid received or acquired, and now own or hold as aforesaid for the use and benefit of the said State convention, and in connection with the general convention of Universalists of the United States, and according to the discipline thereof. <sup>Powers of board</sup>

§ 4. The said board of trustees are hereby authorized and empowered, upon the advice and by the consent of the said State convention, held according to the usages and discipline of the said convention and the said general convention, or under such usages, rules or discipline as may be hereafter established by them for such purpose ; to sell, exchange and convey any such property as is hereinbefore provided for. And they are further empowered and authorized, under like conditions and restrictions, to pledge, mortgage or encumber any other property so held by said State convention for its use and benefit ; but nothing herein contained is intended to permit the said board of trustees to divert any funds held by

said State convention for any special use or trust ; but they are required to see to the faithful application to the purposes for which they may have been created.

§ 5. All deeds, mortgages, contracts, pleadings, and every other instrument of writing necessary to be executed by the said board of trustees, shall be signed by the chairman and attested by the secretary, and delivered and acknowledged by them as such ; and such instruments so executed, attested, acknowledged and delivered shall be binding upon, and shall pass any title of the said board of trustees or State convention according to the tenor of such instrument of writing.

§ 6. This act shall take effect and be in force from its passage.

Approved February 25, 1890.

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## CHAPTER 241.

AN ACT to amend the charter of the town of Catlettsburg, Boyd county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the police judge of the town of Catlettsburg, in addition to the jurisdiction heretofore conferred upon him, shall have concurrent jurisdiction with the quarterly court of Boyd county in civil cases within the corporate limits of the town of Catlettsburg, and within magisterial districts numbers six and seven, which two districts are partly located within the corporate limits of said town, where the amount in controversy does not exceed two hundred dollars ; and the Civil Code of Practice regulating proceedings in the quarterly courts shall govern the said police judge in cases arising under this section ; and the police judge shall have the same fees as are given judges of the quarterly courts in similar cases.

§ 2. That the police judge of the town of Catletts-

burg shall have concurrent jurisdiction as justices of the peace now have with the circuit court in prosecution of offenses, the punishment of which is limited to one hundred dollars, or imprisonment not exceeding fifty days, or both such fine and imprisonment, and in all cases of riots, routs, breaches of the peace, affray and unlawful assemblies.

§ 3. This act shall take effect from its passage.

Approved February 25, 1890.

### CHAPTER 243.

AN ACT to authorize the Pendleton County Court to borrow money in aid of building turnpike roads and provide a sinking fund therefor.

WHEREAS, The county court of Pendleton county has heretofore, under authority granted it by the Kentucky Legislature, issued its bonds for turnpike purposes, seven thousand five hundred dollars of which falls due July sixth, one thousand eight hundred and ninety-one, and also has outstanding turnpike orders amounting to about sixteen thousand dollars, and is in need of more funds to build turnpike roads in said county ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county court of Pendleton county, when the county judge and a majority of the justices of the peace in commission are present, may issue the bonds of said county in an amount sufficient to pay off said bonds falling due July sixth, one thousand eight hundred and ninety-one, and said turnpike orders, and for further construction of turnpike roads in said county. The sum of money to be raised under this act shall not exceed forty thousand dollars.

*Issue bonds.*

§ 2. Said bonds shall be payable at the Bank of America in New York City, New York, or the

*When payable.*

Falmouth Deposit Bank, at Falmouth, Kentucky, not less than ten nor more than twenty years from the date of their issue, and shall not bear more than six per cent. per annum interest.

**Denomination.** § 3. The bonds issued under this act shall be in denominations not less than one hundred nor more than one thousand dollars each, and, when negotiated, shall be signed by the county judge and countersigned by the county clerk of said county in their official capacity, and when so signed and delivered, shall be binding on said county.

**Interest.** § 4. The interest on said bonds shall be paid semi-annually at either of the aforesaid banks, and shall be evidenced by coupons attached to said bonds, each coupon to be signed by said county clerk, and representing one-half year's interest on the bond to which it is attached. Presentment of such coupons to either of said banks, at or after the maturity thereof, shall authorize payment thereof by the bank to which they are so presented.

**Levy tax.** § 5. Said court, composed as above, is hereby authorized to annually levy an ad valorem tax on all real and personal property in said county subject to taxation, not exceeding thirty cents on each one hundred dollars' worth in any one year, which tax, when so levied, shall be collected by the sheriff of said county as any other taxes, for which he shall be liable on his revenue and official bonds, and when collected, shall be used in paying the bonds and interest issued under this act.

**Duty of officers.** § 6. It shall be the duty of said clerk, in a book properly arranged for that purpose, to keep a record, showing the date of the issue of said bonds, their respective numbers, when payable, the date of payment and the cancellation of same. They shall be dated and numbered in serial numbers by said clerk.

**Clerk to keep books.** § 7. Said county court shall appoint a suitable person to regulate the sale of said bonds, the proceeds of which, when sold, shall be paid direct by the pur-  
**May appoint agent.**

chaser to the Pendleton county receiver (treasurer), who shall be responsible on his bond for same, and shall disburse same for the purpose herein stated.

§ 8. Nothing in this act shall be construed as repealing any portion of "An act to amend an act to authorize the county court of Pendleton county to borrow money in aid of turnpike roads," approved by the Kentucky Legislature January thirtieth, one thousand eight hundred and eighty-eight: *Provided, however,* The turnpike tax in said county shall not exceed fifty cents on each one hundred dollars' worth of property in said county any one year.

§ 9. For the purpose of creating a sinking fund for the payment of the bonds issued under this act, and heretofore issued by said court under legislative authority, the county court of said county, when composed as aforesaid, may annually set apart a sufficient portion of the money collected in said county for turnpike purposes as will, when said bonds fall due, aggregate an amount sufficient to pay them off. The money so set apart may be loaned by said court until needed for the aforesaid purpose, upon such conditions as to time, rate of interest and security, as it may determine best and proper.

§ 10. If the business of Pendleton county should be placed in the hands of commissioners, they shall be substituted to all the power and authority herein delegated to said county court.

§ 11. This act shall take effect from and after its passage.

Approved February 25, 1890.

## CHAPTER 244

AN ACT to amend the charter of the city of Owensboro, to empower the common council of said city to levy a tax each year for the purpose of defraying expenses of said city.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the city of Owensboro be so amended as to provide that the common council of said city, at the time it levies the other taxes of said city, shall have the power to levy each year, for a period of two years, a tax not exceeding twenty cents on each one hundred dollars of taxable property in said city, liable to taxation for city purposes, for the purpose of raising a revenue to pay the expenses of the fire department and rents of hydrants for fire protection in said city.

§ 2. This act to take effect and be in force after its passage.

Approved February 25, 1890.

## CHAPTER 245.

AN ACT for the benefit of the Park's Ferry and Bethel Turnpike Road Company, Nicholas and Bath county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Park's Ferry and Bethel Turnpike Road Company, of Nicholas and Bath county, Kentucky, be, and they are hereby, authorized and empowered to erect a toll-gate across said turnpike road, not nearer than one mile of the town of Bethel, Bath county, Kentucky, in the discretion of the said road company; and that they be hereby authorized and empowered to charge and collect toll at the rate prescribed by law upon the respective number of miles

of said road completed in the said county of Bath, subject to the provisions of the charter of said turnpike road company.

§ 2. Nothing in this act shall be construed so as to affect the charter of said road company in any way.

§ 3. This act shall take effect from and after its passage.

Approved February 26, 1890.

## CHAPTER 246.

AN ACT to amend the charter of the Three Forks Deposit Bank of Beattyville, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to charter the Three Forks Deposit Bank of Beattyville," approved February twenty-seventh, one thousand eight hundred and eighty-two, be, and the same is hereby, amended as follows: Section four is amended by striking out the words "fifty thousand dollars," after the word "to," in second line of said section, and inserting in lieu thereof the words "any sum not exceeding two hundred thousand dollars: *Provided*, Fifty per cent. of any increase shall be paid up in cash before said bank shall do business under this charter." Section thirteen is amended so as to authorize the board of directors to increase the number of directors to nine instead of five directors.

§ 2. This act shall take effect from its passage.

Approved February 26, 1890.

## CHAPTER 247.

AN ACT to incorporate the Royal Gas Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That J. D. Jones, Dr. C. K. Crutcher, J. C. Willett, B. J. Carrico and Gus. W. Richardson, and their successors and assigns, be, and they are hereby, created a body-corporate, under the name of the Royal Gas Company; and by that name shall have perpetual succession, and the power to contract and be contracted with, to sue and be sued, implead and be impleaded; to take, own and in anywise alien property, real, personal and mixed; have a common seal, and alter the same at pleasure; and to establish by-laws and make rules and regulations for the management of the affairs of said company, not inconsistent with the Constitution or law of this State or of the United States.

Affairs to be  
managed by  
board of directors.

§ 2. The affairs of said corporation shall be conducted by a board of directors of not less than three nor more than nine directors, who shall be elected for a term of one year, and until their successors are elected at a meeting of the stockholders of said corporation, to be held in the town of Brandenburg or the city of Louisville, as the directors may, from time to time, determine, on the first Monday in April in each year. Said directors shall elect a president, a secretary and treasurer, who may or may not be members of said board. The meetings of the board of directors shall be called by the president, or in case of his absence, inability or refusal to act, by a written call by not less than three of the directors. The powers, duties and compensation of the president and other officers of the company shall be prescribed by the board of directors. The incorporators named herein shall constitute the board of directors until the first annual election provided for herein. In all meet-



ings of the stockholders they shall be entitled to one vote for each share of stock held by them ; they may vote in person or by proxy subscribed to by them. Of all meetings of the stockholders five days' notice shall be given by the secretary of the company.

§ 3. The capital stock of said company shall be one million dollars, divided into shares of one hundred dollars each, which shall be subscribed for and paid for at the time, and upon the terms, and transferable in the manner to be prescribed in the by-laws of said company, and may be paid for in money, lands or services performed. The stockholders of said company may, by a two-thirds vote of all the stock, at a meeting called for that purpose, increase said stock not exceeding one million dollars. Capital stock.

§ 4. Said company is hereby empowered to develop, produce, utilize, convey, or in any otherwise dispose of natural gas, petroleum, salt water, building stone, lithographic stone, cement stone and potter's clay, or any of them which may be upon or come from any of the lands which said company may own, lease, acquire or control, or upon which, for any of said purposes, or to do any of the acts in these articles mentioned, it may have or acquire the right. And to these ends said company is empowered to drill, bore or in anywise sink and maintain wells for the purpose of producing natural gas, petroleum and salt water, or either, and construct, lay or maintain and operate derricks, buildings, machinery, tanks, pipes, reservoirs, receivers, gasometers, warehouses, manufactories, and any other improvements or appliances, in or by means of which such gas, petroleum or salt water, or either of them, may be produced, stored, distributed, sold or utilized, and to construct, lay and operate conducting pipes of any kind, and may employ any other suitable means for the conveyance, distribution, storing, sale and utilization of the products of said company, either upon, under, to or from any of said lands or other places. Nature of business.

May open  
streets, alleys,  
parks, etc.

§ 5. With the consent of any city or town within this Commonwealth, by ordinance or resolution of its general council or board of trustees, said company shall have power and authority to open the ground in any street, alley, park, lane, or other public place within its limits, and lay therein, remove, alter, repair and maintain such pipes for so conducting, distributing, vending and utilizing said natural gas for the purpose of illumination and heating, restoring such ground, however, and any improvement, to as good condition as before within a reasonable time ; and in doing the acts mentioned in this section said company shall commit no injury to any gas or water pipe or sewer laid within the grounds.

May consolidate  
with other com-  
panies.

§ 6. This company shall have power to consolidate with other companies engaged in developing natural gas in Meade county, Kentucky, and the territory contiguous thereto, on such terms as may be agreed upon ; and in order to the conveyance of such natural gas to any of the towns or cities within the State, said company shall have power to acquire, by purchase, gift or condemnation, as hereinafter provided, the use of any land along such route or routes, as may be selected by the board of directors of said company, to lay, maintain and repair such pipes and buildings, retorts and other apparatus or appliances needed to be used in order to properly and economically convey said gas as aforesaid ; and in order to such acquisition of such use of lands said company shall cause such use of, in and over and under only so much as may be necessary to be valued, condemned, and by it paid for in the manner prescribed by an act, entitled "An act to prescribe the mode of condemning lands for the use of railroad and turnpike companies," approved April eleventh, one thousand eight hundred and eighty-two ; and shall have power to construct necessary structures across Salt river to support their gas mains, and may lay said gas mains underneath

the water, but in such a manner as not to interfere with the navigation of said river.

§ 7. The principal place of business of this corporation shall be in the town of Brandenburg or the city of Louisville, as the directors may from time to time determine.

§ 8. The private property of the stockholders and officers shall be exempt from its corporate debts and liabilities.

§ 9. This act shall take effect from and after its passage.

Approved February 26, 1890.

## CHAPTER 248.

AN ACT to amend an act, entitled "An act to incorporate the town of South Louisville," approved May seventeenth, one thousand eight hundred and eighty-six.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The trustees of South Louisville may levy and collect an annual tax upon all land within the corporate limits of the town of South Louisville, not to exceed one dollar upon each one hundred dollars of value of the same. May levy tax.

§ 2. The trustees are also hereby empowered to collect an annual tax on all improvements in the limits of said town, not to exceed one dollar on each one hundred dollars of value of the improvements on the land in South Louisville. The assessment of the property herein authorized to be taxed shall be made by the assessor as of the first day of April, one thousand eight hundred and ninety, and as of the same date each succeeding year thereafter. The entire amount of taxes realized shall be appropriated and used by the trustees for municipal purposes. Assessment.

§ 3. The town of South Louisville shall have a lien

for five years upon the property assessed as herein authorized, which shall not be defeated by gift, devise, sales, alienation, or any means whatsoever.

Improvements  
to be made.

§ 4. Improvements for the purpose of taxation shall include all buildings or structures placed or erected upon the land.

Holder of title  
liable for taxes.

§ 5. The holder of the legal title, and the holder of the equitable title, and the claimant or persons in possession of the property on the first day of April, shall be liable for the tax on it to the town of South Louisville ; but as between themselves, it shall be the duty of the holder of the equitable title to list the property with the assessor for taxation and pay the tax thereon.

All property  
shall pay.

§ 6. All property, whether land or improvements on land, which has been assessed as herein authorized for taxation, the tax shall be paid by the owner, or by the possessor thereof, to the person authorized by the trustees to receive the same.

Duty of holders  
to list property.

§ 7. It shall be the duty of owners of land or improvements in South Louisville to list the same for taxation with the assessor on or before the first day of April of each year. If the owner fails to list his property, the assessor shall list the land or improvements, and fix the value on the land from any sources of information at hand. No error or informality in the assessment, nor mistake in the name of the party assessed, shall invalidate the assessment, if the property assessed is described with sufficient accuracy to identify the same.

Non-residents.

§ 8. Non-resident owners, or claimants of land or improvements, situated in South Louisville, shall furnish the assessor with a correct description of the same. Should such owner or owners fail to furnish the assessor the description as herein provided, then the assessor shall assess the property in the name of the person that, from his best information, he believes is the owner thereof, giving a proper description of the said property.

§ 9. A failure on the part of the assessor to assess

land or improvements in South Louisville shall not defeat the right of the said town to have the property assessed, and collect the taxes thereon when assessed.

§ 10. The assessor shall keep a book, in which is recorded alphabetically the names of the owners of the property assessed by him, together with a description of the property so assessed.

§ 11. The town of South Louisville is hereby given the right to collect the taxes due to it by distraint, levied by such person or persons as the trustees thereof may authorize to collect the same when personal property can be found by the collector upon which to distraint; but where no personal property, or not enough thereof to pay said taxes, can be found, then the town of South Louisville may enforce the payment of the taxes by appropriate suit in the Louisville Chancery Court, or in any court in Jefferson county having co-ordinate jurisdiction with the Louisville Chancery Court.

May distraint for taxes.

§ 12. The trustees of South Louisville may fix, by ordinance, a tax on license for the privilege of selling, by retail, spirituous, vinous or malt liquors in the said town. They may also fix, by ordinance, the tax on licenses to keep, in South Louisville, billiard, pool or pigeon-hole tables, or a nine or ten-pin alley or bowling saloon. The trustees may also, by ordinance, provide for the payment of a license to sell, by retail, in South Louisville, goods, wares or merchandise.

Licenses.

§ 13. A license granted by the county clerk for the State shall not authorize a person to do business in the town of South Louisville where the conduct of that business is to sell, by retail, spirituous, vinous or malt liquors, or to keep or maintain billiard, pool or pigeon-hole tables, or nine or ten-pin alley, or a bowling alley, or to conduct any business in South Louisville upon which a license has been imposed by the trustees, without having obtained from the trustees thereof a license so to do. For a violation

Sale of liquors.

Penalties.

of the ordinance of the town of South Louisville in respect of the payment of license provided therefor, the offenders shall be liable to such fines and penalties as the trustees may, by ordinance, fix, which, when collected, shall be used by the trustees for municipal purposes.

Equalization board.

§ 14. The trustees of South Louisville shall elect three citizens of South Louisville during the month of April, one thousand eight hundred and ninety, and each year thereafter during the said month of April, who shall act as a board of equalization. They shall qualify by executing such covenants and taking such oaths as the trustees may prescribe. They shall receive such compensation for their services as the board of trustees shall fix, not exceeding five dollars per day each.

Meetings.

§ 15. They shall hold their meetings in South Louisville at a place designated by the trustees, which place is to be duly advertised by three insertions in a daily paper published in Louisville, Kentucky, together with the first day of their meeting, and they may adjourn from day to day, or to a later day, until their labors are completed.

Vacancies—how filled.

§ 16. Should a vacancy occur in the board of equalization, either by death, resignation or removal from the town of South Louisville of one or more of the members thereof, such vacancy may be filled by the trustees of South Louisville. Two of the members of the board of equalization shall constitute a quorum. They shall keep records of their proceedings; nor shall they finally adjourn until ten days have elapsed after their first meeting. Before adjourning they shall hear and determine all complaints before them.

Keep record.

May correct errors.

§ 17. The said board of equalization shall have power to reduce the assessments upon property when, in their judgment, the valuation is too high, or when too much property has been included in the assessment. They may correct all errors in assessments. They shall report, in writing, all corrections,

Shall report.

reductions or changes made by them in assessments to the assessor, who shall enter the same upon his books, correcting the assessments in accordance therewith, and thereupon tax bills shall be made out upon the corrected assessment. No complaint shall be considered by this board unless the same has been lodged with them before the expiration of ten days from their first meeting. The reductions made by the board may be certified to any court in which an action or motion for the collection of the tax is pending, and shall be considered by it in its order or judgment thereon.

§ 18. Should the trustees fail to elect a board of equalization as herein provided, or should the board of equalization, after having been elected, fail to meet or act as such, or should they fail in any respect to perform their duties as members of said board, the taxes assessed for said town of South Louisville shall not be in any way invalidated thereby.

§ 19. This act shall take effect only upon its being published at least three times in two daily papers in the city of Louisville; and after it has been approved by a majority of the qualified voters of the town of South Louisville, voting for or against the same at a special election, which is hereby ordered to be held on such day as the trustees of the said town shall, by resolution, fix for the purpose of taking the sense of the qualified voters aforesaid in the premises.

§ 20. The said election to be held under and according to the laws and ordinances regulating elections in the town of South Louisville. Section second of this act shall be at said election voted upon separately, and if a majority of the qualified voters of the town of South Louisville shall vote against the same, then section two shall be left out of this amendment, otherwise to remain in full force and effect.

Approved February 27, 1890.

## CHAPTER 249.

AN ACT to amend an act, entitled "An act to incorporate the Princeton Collegiate Institute in town of Princeton, Caldwell county, and other purposes," approved March twenty-first, one thousand eight hundred and eighty-two.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

May borrow  
money.

§ 1. That the trustees of the Princeton Collegiate Institute, incorporated by chapter four hundred and ninety-three of the Acts of one thousand eight hundred and eighty-one, in addition to the powers conferred upon and vested in them by the said chapter, shall have the power and authority to borrow, not exceeding fifteen thousand dollars, and to cause the bonds of the said corporation to be issued therefor, in any denomination or denominations, in the discretion of the said trustees, not less than fifty dollars nor greater than one thousand dollars. The said bonds shall be issued under the seal of the said corporation, and shall be signed by its president and countersigned by its secretary, and shall be negotiable, and, with the interest, may be made payable at any bank or banking-house in the town of Princeton or in the city of Louisville, State of Kentucky, and may run for any period of time not exceeding twenty years, but shall be redeemable after a period of five years from their date. Said bonds shall bear interest at any rate not exceeding six per centum per annum, payable semi-annually, for which semi-annual coupons shall be attached to each bond, which shall be signed by the secretary of the corporation.

Purposes.

§ 2. The money which shall be borrowed, and for which bonds shall be issued as authorized by the next preceding section of this act, shall be used and appropriated by the said trustees only for the purpose of paying debts that have been or shall be incur-



red, and refunding money that has been or may be borrowed or advanced for the purchase of the college property, or for adding to, improving, repairing and bettering the same, and to pay for such buildings, repairs, improvements and betterments of and upon said property as may be now or hereafter needed; and no part thereof shall be appropriated, used or expended for the current expenses of the said institution, or of any department thereof, or for paying or liquidating any debt or debts that have been or shall hereafter be incurred in that behalf.

§ 3. The said bonds shall be made payable to some person or company as trustee for the holders thereof, or bearer, and shall pass by delivery; and in order to secure the payment of the principal and interest of the said bonds, the trustees of the Princeton Collegiate Institute shall be, and are hereby, authorized to create a lien by mortgage or deed of trust, to be executed to the trustee that may be selected for the holders of the said bonds, upon the property belonging to the said corporation in the town of Princeton, known as the College Campus, with the buildings located thereon, which mortgage or deed of trust the said trustees shall cause to be signed and acknowledged by the president of the said trustees, and countersigned by the secretary, and recorded in the clerk's office of Caldwell county: *Provided*, This act shall not be construed as authorizing and empowering the trustees of Princeton Collegiate Institute to create any lien on said property, or on any part of it, or to dispose of or appropriate the same in any way contrary to the provisions of the deed or deeds under which the same is held: *And provided further*, The said trustees shall make full and complete record in the book in which the proceedings of the said trustees are recorded of all their acts in respect to, and in pursuance of, the powers conferred on said trustees by this act, which record shall at all times be open to inspection by all persons interested therein by virtue

Lien for payment.

of holding any of the bonds which may be issued under the provisions of this act.

§ 4. This act shall take effect and be in force from and after its passage.

Approved February 26, 1890.

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## CHAPTER 250.

AN ACT to amend an act, entitled "An act to establish a system of public graded schools in the city of Somerset, Kentucky."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Trustees.

§ 1. That an act, entitled "An act to establish a system of public graded schools in the city of Somerset, Kentucky," approved April twenty-sixth, one thousand eight hundred and eighty-eight, be amended by striking out the word "five," in the twenty-first line of section one of said act, and inserting in lieu thereof the word "six," and by striking out the word "five," in the first line of section three, and inserting in lieu thereof the word "six," and by adding at the end of section four the following: *Provided however*, That after the first election, the number of trustees shall be six, and at the June election, one thousand eight hundred and ninety, six persons shall be elected—two for one year, two for two years, and two for three years; and thereafter, at each annual election, two trustees shall be elected for the term of three years, the election to be in the mode herein provided. The terms of the first six trustees elected under this amendment shall be determined by the number of votes received; the two receiving the highest number of votes shall be declared elected for the longest term; the two receiving the next highest number to be deemed elected for the next longest term, and those receiving the next highest number to have the shortest term. The chair-

Terms.

man shall be selected from the trustees having the shortest term.

§ 2. That section thirteen of said act be amended so <sup>Taxation.</sup> that hereafter the board of trustees shall be, and they are hereby, authorized to levy an ad valorem tax of not exceeding one dollar on each one hundred dollars in value of property in said district for the purposes mentioned in said act; and said trustees are hereby authorized and empowered to issue and sell the bonds of said district in the sum of twenty thousand dollars, in addition to the bonds provided for in the original act, making the total amount of bonds authorized to be issued by said trustees the sum of thirty-two thousand five hundred dollars.

§ 3. Section fourteen of said act is amended by <sup>Assessment.</sup> adding thereto the following: *Provided, however,* The said trustees shall have power to adopt the assessment of the city assessor of the city of Somerset as to all property in the limits of said city belonging to white persons; and in case said list is adopted, it shall be the duty of the assessor of said school district to list only such property as is not within the corporate limits of the city of Somerset.

§ 4. Said board of trustees shall each year set apart <sup>Sinking fund.</sup> such sum as they may deem expedient as a sinking fund, to be used to pay off the bonds authorized to be issued by this act, and the one to which it is an amendment, as they fall due, or to pay any other indebtedness they may legally incur: *Provided, however,* That they shall make provisions by their by-laws by which a sufficient sum will accumulate in the sinking fund as will pay off said bonds at maturity. Said board is empowered to loan out said sinking fund and its accumulated interest in such sums and on such terms as they may deem best, the obligation of the borrower to be executed to said board.

§ 5. The bonds issued by said board of trustees <sup>Interest.</sup> under this act shall run such length of time and bear such rate of interest, not exceeding six per cent. per

annum, payable semi-annually, as said board may determine.

§ 6. This act shall take effect from and after its passage.

Approved February 26, 1890.

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## CHAPTER 251.

AN ACT for the benefit of Jefferson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. This act shall apply to the county of Jefferson lying outside of the corporate limits of the city of Louisville.

§ 2. The word county, when hereinafter appearing, shall be construed to mean that part of Jefferson county lying on the outside of the corporate limits of the said city of Louisville.

§ 3. That the county court of claims of said county, Levy ad valorem tax. within sixty days after the passage of this act, and thereafter each year, at its regular March term, shall levy an ad valorem tax of three cents on each one hundred dollars in value of taxable property in said county for pauper purposes therein ; seven cents on each one hundred dollars in value of taxable property in said county for the current expense purposes of said county ; and ten cents on each one hundred dollars in value of taxable property in said county for making and repairing roads, bridges and culverts.

§ 4. The tax levied under this act for pauper purposes shall be subject to the warrants of the county poor-house commissioners only of said county, on said county's treasurer ; the tax levied under this act for the current expense purposes of said county shall be subject to the warrants of the county court of claims of said county on said county's treasurer, except the county's portion of the joint city and county

expenses, which shall be subject to the warrants of the board of commissioners for said county and the city of Louisville on said county's treasurer.

§ 5. Each magisterial district in said county shall, <sup>Road districts established.</sup> for the purposes of this act, be known as a road district, composed of the following voting precincts, namely: The magisterial district embracing Edwards' pond and Gilman's precinct shall be known as road district number one. That embracing Harrod's creek and Springdale precincts shall be known as road district number two. That embracing Middletown and Anchorage shall be known as road district number three. That embracing O'Bannon's and Boston precincts shall be known as road district number four. That embracing Fisherville and Seatonville precincts shall be known as road district number five. That embracing Jefferstown precinct shall be known as road district number six. That embracing Two-mile House precinct shall be known as road district number seven. That embracing Fairmont, Cross Roads and Rob's precincts shall be known as road district number eight. That embracing Spring Garden, Miller's and Shardein's precincts shall be known as road district number nine. That embracing Blankenbaker's and Cane Run precincts shall be known as road district number ten. That embracing Wood's and Phivley's precincts shall be known as road district number eleven. That embracing Lower Pond and Meadowlawn precincts shall be known as road district number twelve.

§ 6. The county judge of said county, on the written recommendation of both justices of a magisterial district and twenty voters, who shall be house-keepers of different neighborhoods in such district, and not otherwise, shall, on or before the first Monday of March, one thousand eight hundred and ninety, and every two years thereafter, appoint a road surveyor <sup>Appoint road surveyors.</sup> for such district for a term of two years, and in the

event of the death, removal or resignation of said surveyor, a successor shall be likewise appointed for his unexpired term. No one shall be appointed to said office who has not been a resident of such district for at least one year before entering upon the duties of such office. Such road surveyor shall take an oath for the faithful performance of his duties, and give a bond, with security, to be approved by the said county judge and attested by the clerk, for the faithful discharge of his duties, in a sum not less than one thousand dollars. Said bond shall be held by the clerk of Jefferson county.

Duty of assessor  
and sheriff.

§ 7. The assessor of said county shall report to the sheriff of said county the amount of the assessment authorized to be levied on each one hundred dollars' worth of property liable to taxation for State purposes on said county. The sheriff shall collect said tax and pay it monthly to the county treasurer, and shall make the final settlement with the commissioners of said county at the time he is by law required to settle with the Auditor of the State for the State revenue. He shall be allowed eight per cent. for the collection of said tax. He shall not in payment of said tax receive claims against said county. The said sheriff shall be responsible on his bond for the collection and payment to said county treasurer of the tax levied under this act as for State revenue. He shall not deliver unpaid tax bills due to said county to the back-tax collector of said county, but shall post handbills, give notice, advertise, levy, distrain, make sales, and take other necessary lawful proceedings for the collection of the tax levied under this act as for State revenue; and in order to cover the cost of such notice and advertisement, said sheriff shall have two dollars for each person whose property is advertised, to be paid by the delinquent, but in no event to be paid by said county.

§ 8. Said county shall not be involved in debt by excessive appropriations for any purpose whatever.

§ 9. The tax levied under this act for road and bridge purposes shall be known as a road and bridge fund. The two justices of the peace in their respective justices' meetings and road district, and surveyor, shall be the custodians of all public roads, bridges and culverts. All ordinary work, such as ditches, drains, grades and embankments, scraping and plowing, shall be done on said roads between the months of March and October; but all extraordinary work, such as building bridges, may be done at any season of the year. It shall be the duty of the justices and surveyor to meet from time to time in their respective road districts, not to exceed once a month in each year, to advertise, receive bids, award contracts for bridges and culverts, and to see that said surveyor is fulfilling his duties. Should said surveyor be derelict in the performance of his duties, they shall at once report him to the county judge, who shall remove him if sufficient cause be shown. The said surveyor shall superintend in person all work while repairing dirt roads. He shall not employ any but able bodied men at the customary wages, and shall not commence to work without sufficient teams and laborers to justify his employment at two dollars per day of ten hours. He shall be given sixty days to complete the work of the dirt roads; but if the justices deem it necessary, they may extend for not more than fifteen days additional. The surveyors shall each month make out a pay-roll, which shall be submitted to the justices of his district for their approval or rejection, in whole or in part. The justices shall issue a separate warrant on the county treasurer for the benefit of each claimant and the surveyor, which shall be paid out of their respective road and bridge district fund. All bids shall be to the lowest and best bidder. The right to reject any and all bids shall be reserved. All tools necessary for working of roads in their respective districts shall be purchased by the justices, and shall be

Compensation.

the property of said district, the surveyor shall be held responsible for the safe-keeping of said district tools. When a public road forms a dividing line between the two districts, the justices of the adjoining districts and the county surveyors shall establish the point for their road surveyors to work to. Teams may be employed at the following rate per day: One horse cart with driver per day, two dollars and fifty cents; two horses and wagons, plow, scraper and driver per day, three dollars; four horses and wagons, plow, scraper and driver per day, four dollars. All warrants drawn on the district funds shall be signed by the two justices.

Duty of county treasurer.

§ 10. The treasurer of said county shall keep the several funds herein mentioned separate and distinct; the ten per cent. tax, known as the road and bridge fund, shall be placed in a separate book kept for each of the twelve road districts of said county — one-twelfth to each district, which shall be known as the road and bridge fund of district number one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve.

Levy tax.

§ 11. The justices of the peace of each road district shall levy a poll-tax of two dollars upon each able-bodied male person, residing in their respective road districts over twenty-one and under fifty years of age, except licensed ministers of the gospel, idiots, insane, deaf and blind persons, and such persons as are unable, on account of physical infirmity, to earn a living. The surveyor of each road district of said county may direct a person liable to work on a road in his precinct, for which such person shall be credited with the amount of his poll-tax. To give the hands five days' notice, that he can work out his poll-tax, at one dollar per day, or pay him the two dollars poll-tax, and he shall receipt to him for the same tax. The person warning such persons liable to poll-tax shall be supplied with a small hand-book, and he shall register every person liable to pay poll-tax, and pay

Credit poll-tax.



over to said surveyor, who shall pay the county treasurer once a month, the amount of tax collected, and from whom received; and the book containing the names of all persons liable to such tax shall be turned over to the justices of said road district. The tax received by said surveyor shall be paid over to the treasurer of said county. The surveyor shall report such persons failing to work out said poll-tax to the justices at their first meeting thereafter, and the senior justice shall issue the following form, namely:

Attachment and Garnishee	Mr. . . . . .	
served on. . . . .	The taxes due by. . . . .	
For taxes due for the year	amount to the sum of. . . . .	
18 . . .	dollars and . . . . . cents. To that	
Against . . . . .	extent you are notified not to pay or deliver	
For the sum of . . . . .	to him any money or property which you	
dollars and . . . . .	now are, or may hereafter be, indebted	
To answer on the . . . . .	to him, and to appear before the justice of	
day of . . . . .	the peace . . . . . of Jefferson	Form of attach-
	county on the . . . . . day of . . . . .	ment.
	18 . . ., to show why you shall not be ad-	
	judged to pay said taxes. This . . . . .	
	day of . . . . ., 18 . . .	
	. . . ., Justice Peace Jefferson County.	
	By . . . . ., Road Surveyor.	

§ 12. The justices of the peace of said county, at the November term of the county court of claims, shall be allowed, out of the general expense fund, the sum of thirty-six dollars for services rendered as custodian of roads in their respective districts.

§ 13. The assessors of said county shall be allowed, for services rendered under this act, not exceeding three hundred dollars, to be paid out of the tax levied for the current expense purposes aforesaid.

§ 14. The judge of the Jefferson County Court shall, on or before the month of October of each and every year, appoint two of the justices of said county as commissioners to settle with the sheriff, county treasurer and poor-house commissioners; and said commissioners shall make a report to the March term of

said county court of claims, which report shall be read before approved. One hundred dollars shall be allowed each of said commissioners annually for making aforesaid settlement.

Jurisdiction over  
abandoned  
roads.

Record.

§ 15. The justices of the peace and surveyor of their respective road districts shall have jurisdiction in cases concerning the abandonment of old and opening new public roads therein. But an appeal therefrom may be had, within thirty days, to the county court of said Jefferson county, whose decision shall be final. All public roads in the aforesaid districts, respectively, shall be entered of record in the county clerk's office by such name or number as the justices and surveyor may elect.

§ 16 That all acts or parts of acts in conflict with this act are hereby repealed.

§ 17. This act shall take effect from and after its passage.

§ 18. *Provided, however,* That the provisions of this act shall not apply or be in force until approved by the county levy court of Jefferson county (composed of the justices of the peace outside of the city of Louisville), and entered of record at its March term, one thousand eight hundred and ninety.

Approved February 26, 1890.

## CHAPTER 252.

AN ACT to incorporate the Fort Jefferson Belt Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Incorporators.

§ 1. That Joseph C. Dupoyster, George M. Jackson, William S. Bryan, John P. Edwards and Hardin M. Wade, and their successors and assigns, are hereby incorporated in the name and style of the Fort Jefferson Belt Railroad Company; and in that name to sue and be sued, and to plead in any of the courts of this

Commonwealth or of the United States of America. They may contract, and are made capable of being contracted with, and are authorized to do and perform any and every act and thing which may be found necessary to carry out the purposes of this act as herein expressed.

§ 2. Said company are hereby authorized to con- Powers. struct, operate and maintain a railroad, with single or double track, of any gauge, in and around the city of Fort Jefferson, in Ballard county, the circuit of which shall not exceed twenty-five miles; and said company are hereby authorized to procure the right of way, not exceeding one hundred feet wide, by purchase, donation or by condemning same under the general law of the State, as applicable to turnpike, gravel and plank roads (chapter one hundred and ten, General Statutes); and may also condemn such earth, timber, stone or other material as they may need to construct their said road; and may build embankments and cut such ditches as may be found to be necessary.

§ 3. The capital stock of said company shall be one Capital stock. million dollars, but may be increased to any sum not exceeding two million of dollars, and shall be divided into shares of one hundred dollars each, to be subscribed and paid for as the directors of said company shall determine. Each share shall entitle the holder to one vote in all the affairs of the company, and may be cast in person or by written proxy, and may be sold and transferred, as the by-laws of the company may direct.

§ 4. Such company may build and maintain such May build depots. depots, warehouses, water tanks, side-tracks and switches to their own or other warehouses and factories as may be necessary for the operation of their said road; and may condemn a crossing of other roads when they can not obtain such right of way by consent or contract.

§ 5. The incorporators above-mentioned shall meet

**Election of officers.** in the city of Fort Jefferson within three months after

the passage of this act, and elect not less than five nor more than seven directors for said company, a president and vice-president, for a period of one year, and until their successors are elected and qualified. The directors shall appoint a superintendent of said company's road, and the president shall appoint all other officers.

**May issue bonds.** § 6. Said company may bond their road not exceeding twenty-five thousand dollars per mile, and may issue and sell its bonds to that extent, and execute a mortgage on its road, right of way, franchises, tracks, rolling stock, et cetera, to secure the payment of the same; and may contract with other roads to indorse its bonds, or to build and operate its road, or to furnish it credit.

§ 7. Said company shall commence in good faith work on said road within six months, and complete the same in five years after the passage of this act.

§ 8. This act shall be in force from and after its passage.

[Became a law February 22, 1890, without approval of the Governor.]

## CHAPTER 253.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in reference to the town of New Castle, in Henry county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That article four of said act be amended by adding after the second section thereof the words: "If from any cause whatever the police judge does not or can not act in any case where the punishment is a fine or imprisonment, or both, the chairman of the board of trustees of New Castle, or the judge of the Henry

County or Quarterly Court, or the justice of the peace in New Castle precinct, may act."

§ 2. That article four, section seven, of said act be amended by inserting after the word "court," in the second line of said section, the words "or in the Henry County or Quarterly Court, or in the New Castle Justices' Court, for violations of law committed in said town."

§ 3. That article three, section five, of said act be amended by adding after the word "committees," in the fourth line of said section, the words "and to prosecute all cases before the New Castle Police Court and the Henry County or Quarterly Court, and the New Castle Justices' Court, for misdemeanors committed in said town; and for his services he shall be entitled to thirty per cent. of what fines or forfeitures may be collected or worked out for the benefit of the town: *Provided, however,* That in all jury trials, in addition to the thirty per cent. aforesaid, there shall be a fee of five dollars taxed against the defendant for the benefit of said attorney in every case where there is a conviction."

§ 4. That article four, section two, of said act be amended by inserting after the words "police court," and before the word "whether," in the second line of said section, the words "or the Henry County or Quarterly Court, or the New Castle Justices' Court," and after the words "acting police judge," and before the word "may," in the tenth line of said section, the words "or the Henry county or quarterly judge or the New Castle justice."

§ 5. That article three, section seven, of said act be amended by adding after the word "collector," in the last line of said section, the words "he may, with the consent of the board of trustees, appoint a deputy or deputies, who shall take the oath of office, and thereby be invested with all the powers and authority of said marshal; and the said marshal so appointing

him shall be liable on his official bond for all acts of his deputy."

§ 6. That section one of an act to amend the charter of the town of New Castle, approved March twenty-fifth, one thousand eight hundred and eighty-two, be, and is amended, by adding thereto, after the word "street," in the last line thereof, these words: "*Provided*, There is excluded from said corporate limits all farming lands and residences thereon situated, lying easterly of said intersection of Main and Main cross street, distance therefrom more than eighteen hundred feet."

§ 7. That this act will take effect and be in force from its passage.

[Became a law February 22, 1890, without the approval of the Governor.]

## CHAPTER 254.

AN ACT to amend an act relating to the incorporation of the town of Prestonsburg, in Floyd county, approved March eighteenth, one thousand eight hundred and seventy-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Trustees.  
§ 1. That the act referred to in the title of this act be, and the same is hereby, amended as follows: By striking out of the first section of said act the names of R. S. Friend, John G. John, H. F. Ned and F. A. Hopkins, and inserting in lieu thereof the names of G. R. Davidson, Isaac Richmon, W. S. Harkins, John W. Layne and Lewis Meritt; and by striking out of said act, wherever the same occurs, the date "one thousand eight hundred and seventy-eight," and inserting in lieu thereof the date "one thousand eight hundred and ninety;" and by striking out of said act, wherever it occurs, the words "each year," and inserting in lieu thereof the words "every two years;" and by striking out the words "one year," and inserting in

lieu thereof the words "two years." By striking out of the third section of said act the words "the county judge of Floyd county," and inserting in lieu thereof the words "the trustees named in the first section of this act;" and by striking out of the same section the words "county judge," and inserting in lieu thereof the words "the trustees of said town."

§ 2. By striking out all of the eleventh section of said act down to and including the words "Secretary of State," and inserting in lieu thereof the following: "The poll-books of said election shall be certified by <sup>Poll-books</sup> the officers of the election, and returned by the clerk to the chairman of the board of trustees of said town, who shall call a meeting of said trustees on the second Saturday in June after such election, and ascertain the result of said election, and the chairman of said board shall certify same to the Secretary of State."

§ 3. Said act is further amended by striking out the <sup>Powers of trustees.</sup> sixteenth section thereof, and inserting in lieu thereof the following: The trustees of said town shall have the power, and it shall be their duty, to open the streets and alleys of said town to their original limits, as laid down in the plat of said town now on file in the clerk's office in said county; and to have and keep sidewalks, on at least one side of said streets, well paved throughout their entire length with brick or stone. Upon their failure to have the streets and alleys of said town opened to their original limits, and to have and keep sidewalks as herein provided on said streets well paved, and to keep said streets drained for a period of twelve months after the passage of this act, they and each of them shall be guilty of a misdemeanor, and shall be fined, each of them, not less than fifty dollars for every year thereafter that they fail to open and keep open said streets and alleys, and to pave and keep paved sidewalks as herein provided, and to keep said streets cleaned and drained, to be covered by indictment in the Floyd Criminal Court;

and it is hereby made the duty of the criminal judge of said county to give in charge to the grand jury this provision of this act.

Penalties.

§ 4. Said trustees shall pass by-laws concerning the opening of said streets and alleys as they deem proper, and attach such penalties for appropriating or obstructing said streets and alleys as they may deem reasonable; and the police judge shall, upon the demand of the trustees, issue his warrant for any one thus offending.

Marshal's fees.

§ 5. In addition to the fees now allowed the marshal of said town, he shall be entitled to one-half of all fines and forfeitures in said court when he shall have executed the papers and attended the trial in all penal actions, and for violations of the by-laws or ordinances of said trustees; and the other half shall be paid to the treasurer, to be held by him and paid out by direction of the board of trustees for the use and benefit of said town.

Work on streets.

§ 6. Said board of trustees, in addition to the powers now granted them, shall have the right to provide for working any person on the streets and alleys of said town to satisfy any unpaid and unreplevied fine that may be assessed against such person.

Police judge.

§ 7. It shall be the duty of said board of trustees to meet as soon after the passage of this act as practicable and recommend some suitable person for police judge, and it shall be the duty of the Governor, upon the receipt of said recommendation, to issue a commission to the person so recommended, and upon the receipt of said commission, the person so recommended shall qualify as required by law thereunder, and shall hold his office until the first regular election or until his successor is elected and qualified; and the said board of trustees at said meeting shall appoint some suitable person to hold the office of marshal, who, so soon as he qualifies according to the provisions of this act, and the one to which this is an amendment, shall enter upon the discharge of his



duties, and hold his office until the first regular election and until his successor is elected and qualified. The said board of trustees are empowered to take and attest the bond of the police judge, town marshal and treasurer, and any person aggrieved may sue thereon and have the same right of action, and the sureties shall be responsible on said bond in the same manner, as bonds executed by the county judge. Said bonds shall be safely kept by the police judge with the other public records of his office.

§ 8. This act shall take effect from its passage.

[Became a law February 24, 1890, without approval of the Governor.]

## CHAPTER 255.

AN ACT to incorporate the Bank Josiephine, of Prestonsburg, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. There is hereby established a bank of deposit Incorporation. in the town of Prestonsburg, Floyd county, Kentucky, with a capital stock of fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided; and the subscribers to said stock, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of "The Bank Josiephine," and shall so continue for the space of twenty-five years from its organization; and shall be capable of contracting and being contracted with, suing and being sued, of pleading and being impleaded, of answering and defending, in all the courts and places whatsoever; it may have a common seal, and change and renew same at pleasure.

§ 2. Said bank shall be under the control of a board Powers of directors. of seven directors, each of whom shall be stockholders of not less than ten shares, who, after the first elec-

tion, shall be elected on the second Monday in February in each year, or as soon as practical thereafter, and who shall hold office for one year, or until their successors are elected and qualified. They shall elect one of their number president and one vice president, who shall act in their stead in the case of the death, absence or other disability of the president; and they shall hold their meetings wherever, and at such times and places as they may deem necessary and proper; and in the case of the death, resignation or inability to serve of any director, the vacancy shall be filled by the board of directors out of the stockholders. The directors shall have power to receive subscriptions for so many of the shares of stock of said bank remaining unsold as they, at any time, may choose to sell; to declare dividends of the profits arising from the profits of the business; and to appoint such officers, agents and clerks as they may deem necessary to conduct the business of the bank, and pay them such compensation and take from them such bonds to secure the faithful and true performance of their duties as they shall think proper and reasonable. The stock shall be deemed personal property, and shall be assignable, but only by transfer entered on the books of the bank.

Directors.

§ 3. Walter S. Harkins, John G. Johns, Frank A. Hopkins, A. J. Davidson, P. D. Harmison, Hiram H. Fitzpatrick and John Finlayson are hereby constituted and appointed a board of directors for said bank, to hold office as such until their successors are elected and qualified, who shall open books and receive subscriptions to the capital stock; and when two hundred shares have been subscribed it shall be their duty to give notice to the stockholders, by printed advertisement or otherwise, and appoint a day for the election of a board of directors, who shall hold their offices until the ensuing regular election, at which election, and each subsequent one, every stockholder shall be entitled to cast one vote in per-

son or by written proxy for each share of stock owned by him, and on which he has paid in full all the called installments due at the date of said election ; and every stockholder shall be individually liable to the creditors of the bank for the full amount of the unpaid stock subscribed for and owned by him ; but in no case shall his private property be liable to the debts of the corporation beyond the amount of his subscription. The payment of the shares subscribed shall be made in such installments, or at such times as the board of directors may order ; and when ten thousand dollars shall have been paid in, and the cashier makes oath of such fact before some judge or justice of the peace, the bank may begin business.

§ 4. The bank may receive deposits of gold, silver, bullion, currency, or any thing lawfully circulating as money, and repay the same in such manner, at such times and with such interest, not to exceed the rates fixed by law, as may be agreed upon with the depositors by special or general consent ; it may borrow or lend money, buy or sell checks, bills of exchange, promissory notes, or current money, stocks, mortgages, and other evidences of debt, and do a general banking business ; may take personal or other securities for the payment of obligations, and dispose of them according to the provisions of an act, entitled "An act for the benefit of incorporated banks of Kentucky," approved March sixteenth, one thousand eight hundred and seventy-one, and such disposition shall pass a valid title to the same ; may receive deposits from minors and married women, and their checks, receipts and acquittances shall be valid. All promissory notes and bills made negotiable and payable at the banking-house of said corporation, or any other banking-house, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon said bills of exchange may be had thereon, jointly and severally, against the drawers, acceptors and indorsers thereof.

May acquire  
property.

§ 5. The bank may acquire, hold and use all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety or in satisfaction of any debts, judgment or decree, and may sell and convey the same at pleasure: *Provided*, That said bank shall not hold any real estate conveyed to it as security for any debt due to it, or in payment of any judgment or debt due it, for a longer time than five years. The board of directors may make all needful by-laws for the government of the bank not inconsistent with the laws of this State and of the United States.

Oath of office.

§ 6. Before entering upon their duties the president, directors and other officers of the bank shall take an oath before some justice of the peace, notary public, or police judge, to faithfully perform all duties incumbent upon them under this charter, and that they will not sanction or permit any violation of it; should any occur, will at once report the same to the Attorney-General of this Commonwealth.

§ 7. The General Assembly, at all times, shall have the right to examine the affairs of the bank by any committee, officers, or agent appointed for that purpose, and reserves the right to alter, amend or repeal this charter at pleasure.

§ 8. This act shall take effect and be in force from and after its passage.

[Became a law February 25, 1890, without approval of the Governor.]

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## CHAPTER 256.

AN ACT for the benefit of James Page Spilman, an infant, removing his disabilities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That James Page Spilman, an infant, residing in Harrodsburg, Mercer county, Kentucky, be, and

he is hereby, relieved of the disability of infancy, and all the powers and privileges of a person of the age of twenty-one years are hereby conferred upon him except the right and privilege to vote.

§ 2. This act shall take effect from and after its passage.

[Became a law February 28, 1890, without approval of the Governor.]

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## CHAPTER 257.

AN ACT for the benefit of white district number seventy-three, Lawrence county.

WHEREAS, In the census report of white district number seventy-three, Lawrence county, to the Superintendent of Public Instruction, for the school-year ending June thirtieth, one thousand eight hundred and eighty-seven, Jesse J. Candill, county superintendent of Lawrence county, transposed by oversight the real census eighty-four, making it forty-eight, and thereby diminished the pro rata of the district for thirty-six pupils at the per capita of one dollar and sixty-eight cents ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his draft for the benefit of said school district for said school year, on the Auditor of Public Accounts, in favor of George M. Elam, superintendent of common schools of Lawrence county, for the sum of sixty dollars and forty-eight cents, payable out of the unexpended interest and surplus of the Lawrence county surplus bond for the school-year ending June thirtieth, one thousand eight hundred and ninety.

§ 2. This act to take effect from its passage.

Approved February 27, 1890.

## CHAPTER 258.

AN ACT to amend an act, entitled "An act to amend the charter of the town of Wickliffe, in Ballard county," approved February eighteenth, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act to amend an act, entitled "An act to incorporate the town of Wickliffe, in Ballard county," approved February eighteenth, one thousand eight hundred and eighty-eight, be amended as follows: By repealing the first section of said act and re-enacting the original corporate limits of said town, a copy of which is recorded in the county clerk's office in the town of Wickliffe.

§ 2. That section ten of said act is hereby repealed, and the following enacted in lieu thereof: "That the treasurer of the board of trustees is hereby authorized to receive and receipt for all taxes that may be paid him on or before the first day of August of each year, and on all taxes not paid by that time an additional ten per cent. shall be levied and collected. The board of trustees, at their regular meeting in August of each year, shall appoint a collector for the taxes unpaid and the additional ten per cent. aforesaid. Said collector shall be required to give a bond, to be approved by the board of trustees."

§ 3. That section eleven of said act shall be amended as follows: "That said attorney shall hold his office, subject to removal at any time, by a vote of a majority of the board of trustees."

§ 4. That all fines and forfeitures imposed for a violation of any ordinance of said town, by any court trying the same, shall be paid to the clerk of said board of trustees for the use and benefit of the town.

§ 5. This act shall take effect and be in force from and after its passage.

Approved February 27, 1890.

## CHAPTER 259.

AN ACT to change the boundary line of Clay and Laurel counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the boundary line between Clay and Laurel counties be so changed as to include in the county of Clay the farm owned and occupied by T. J. McQuen.

§ 2. This act shall take effect from its passage.

Approved February 27, 1890.

## CHAPTER 262.

AN ACT to incorporate the Clark County Agricultural Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That a corporation, composed of the stockholders of the Clark County Agricultural Association, organized under articles of incorporation acknowledged June fifteenth, one thousand eight hundred and eighty-nine, before the clerk of the Clark County Court, be, and it is hereby, created, under the name of the Clark County Agricultural Association ; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded ; shall be capable of acquiring and holding, by purchase or otherwise, any land or lands not exceeding forty acres ; may improve, sell and convey the same, or any part thereof, and may lease or acquire the use of other lands or real estate for the purpose of said association ; and may have all other powers, exemptions or privileges now enjoyed or heretofore conferred on other corporations or associations authorized by the General Assembly of Kentucky for the purpose of conducting agricultural

Incorporation.

Real estate.

Privileges conferred.

exhibitions, or encouraging the development of trotting horses or other live stock.

§ 2. The officers of said association shall consist of a president and two vice-presidents, secretary, treasurer and twelve directors, and such other officers as the board of directors may provide for. The persons now holding said offices under the charter acknowledged as aforesaid shall continue in office until the next regular election of officers, which shall be on the first Monday in May, one thousand eight hundred and ninety.

§ 3. Capital stock of said association shall be not exceeding twenty five thousand dollars, in shares of twenty-five dollars each; but if, at any time, the board of directors, by direction or instruction of the stockholders, expressed at any regular or legally called meeting of the same, shall deem it advisable to increase the capital stock to an amount not exceeding fifty thousand dollars, they are hereby authorized to do so, in such manner, at such rates per share as the association, at such regular or called meeting, shall direct, a majority of those present in person or by proxy concurring. All stockholders must have paid up calls upon the amount of stock subscribed by each before they will be entitled to any privileges as stockholders. The stock of the association shall be held to be personal property, and shall be transferable on the books of the association in such manner as the board of directors may direct.

§ 4. An annual election of the aforesaid officers of said association shall take place on the first Monday in May of each year, at such place as may be designated by the board of directors; but said board may fix a different day, if requested so to do, by resolution of the stockholders passed at a regular meeting. Notice of such annual meetings, and their place and object, shall be given by the president through a newspaper published in the city of Winchester for at least two weeks preceding the same. Call meetings of stock-



holders may be held, after notice given by the president, in the same way. All officers shall hold until their successors shall be elected and qualified. The prudential, fiscal and other concerns of this association, together with all of its property and estate of any kind, shall be under the control and management of president, vice-presidents and directors as aforesaid, and they shall have power to appoint a secretary, treasurer, and such other officers as they may consider necessary, and to prescribe the duties of the various officers of said association; to appoint as many special police as they may deem necessary to preserve order and protect the property of the association; and the policemen or marshals thus appointed shall have the same powers on the grounds of said association that the policemen of Winchester now have by law. Said board of directors may require bond and security of secretary and treasurer of said association, and such other officers as they may see proper, for the faithful discharge of their duties. Said board may, in regular or called session, make and adopt, alter, amend or repeal such by-laws, rules and regulations, not inconsistent with the laws of the land, as they may deem necessary; to fill vacancies in the board or any of the offices of said association, and to do such other acts as will contribute to advance the objects of said corporation.

Special police.

Officers may give bond.

By-laws.

§ 5. The president shall preside over meetings of the board of directors, and call same together at pleasure, and have such other powers or discharge such other duties as may be prescribed by said board. Five directors, together with the president or a vice-president, shall constitute a quorum of the board of directors, unless the association at some regular meeting shall fix on a different number.

Duties of president.

§ 6. The board of directors shall have power to fix the amount to be paid for entrance at the gates; and any person who shall, during the days on which the annual or other fairs are held, attempt or actually

Board to fix penalties.

enter the grounds of said association clandestinely, or any manner other than at the regular gates, after having first paid the regular gate fee, or being privileged to do so by order of the board of directors, or use any other shift or device whatever to defraud the association out of their regular gate fees, shall, upon conviction thereof, before any justice of the peace of Clark county, or officer having the same jurisdiction, be fined not less than four nor more than ten dollars, the collection to be enforced as in other cases of misdemeanor. Said board shall have the exclusive privilege to lease or sell each year the right to sell food or provisions, and such other articles as said board may deem proper, on said grounds; to conduct shows, or such exhibitions as said board may allow; to sell pools on the grounds of said association, and at some place in Winchester, to be fixed from year to year by said board; and such other privileges as are consistent with the objects of said association. Said association shall have no power to contract debt, except for the purpose of buying and paying the land or real estate which is herein authorized to hold, and necessary improvements thereon.

Sell pools.

Private property  
exempt from cor-  
porate debts.

§ 7. The private property of stockholders or officers shall in no event be liable for corporate debts or liabilities. These articles of incorporation shall be in lieu of and binding on said association, when accepted at a meeting of the stockholders in the association organized under the articles acknowledged as aforesaid, to be called by the president, by notice published in a newspaper at Winchester for two weeks prior to said meeting. All acts of the said association, or any of its officers, under and pursuant to the articles acknowledged as aforesaid, are hereby declared valid.

Publication.

§ 8. This act shall go into effect from and after its passage.

Approved February 27, 1890.

## CHAPTER 263.

AN ACT providing for the extinguishment of the funded debt of the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That, for the purpose of fully discharging the Bonded debt. municipal bonded debt of Louisville, which is eight million four hundred thousand dollars, or thereabouts, in excess of the cash and bonds in the hands of the commissioners of the sinking fund, and the further sum of six hundred thousand dollars, which is now in contemplation to be borrowed by said city for the establishment of parks, it is hereby made the duty of said commissioners, and of the general council of said city, to provide, in the manner hereinafter set forth, as far as practicable, for the reduction of the bonded debt at the following rate per year: In the first fiscal year of the operation of the plan, in the sum of one hundred thousand dollars; in the second fiscal year, in a sum greater by five per centum than in the first year, and so on in every subsequent year until the bonds now outstanding, those which may be issued as above stated for park purposes, and those herein provided for, are satisfied. Mode of extinguishment.

§ 2. On the first Monday in December in each year, beginning with one thousand eight hundred and ninety, the commissioners of the sinking fund shall meet for the purpose of estimating how much of the ad valorem taxes must be levied in order to enable them, with the aid of their other resources, to apply in the next following calendar year the sum hereinbefore provided for to the reduction of the capital of the bonded debt. In making such estimates they must consider all other sources of income, and all their probable disbursements, as well for interest on bonds as for expenses and other purposes other than payment of principal. They shall certify such esti- Duty of sinking fund commissioners.

Shall certify estimate.

mate to the general council in the form of the various taxes named in section three of article four of the Louisville tax law of May twelfth, one thousand eight hundred and eighty-four, and of the bond-tax voted by the people of Louisville in November, one thousand eight hundred and eighty-eight: *Provided*, That the rate must be named in whole cents on each one hundred dollars (\$100) in value, and that the next greater number of cents shall be named when the estimate strikes a fraction of a third or more above the whole cents: *And provided further*, That the excess or deficit, above or below the sum required for the year, shall be made up in the succeeding year by a new estimate based upon eleven out of twelve months, and thereafter by the full returns for the year, so as to keep the sum applied to the principal of the bonded debt for several years together, as close as possible to the sums provided for in this act for such years.

Duty of city council.

§ 3. It shall be the duty of the general council, in framing its levy ordinance, to adopt for the heads of the sinking fund, railroad bonds, bonds under ordinance and vote of one thousand eight hundred and eighty-eight, such rates as the commissioners of the sinking fund may have certified to them in accordance with the preceding section. Should the general council, in the month of December, fail to pass the levy ordinance, the estimate made by the sinking fund commissioners shall at once be certified by them to the assessor, who shall insert them in the tax-bills for the rates named in the place of the rates given in section four of article one of said tax law and of the amendments thereto.

Council shall provide for issue of bonds.

§ 4. The general council shall, at the request of said commissioners, by ordinance, provide for the issue of one thousand bonds, payable in one thousand nine hundred and fifteen, and of fifteen hundred bonds payable in one thousand nine hundred and twenty-five; said two thousand and five hundred bonds shall be placed in the hands of the com-

missioners of the sinking fund, and be sold from time to time by them. Each of said bonds shall be for the sum of one thousand dollars; they shall all alike bear interest, payable quarterly, at the rate of four per cent. per annum; the interest shall be expressed by coupons, and the principal and interest shall be made payable at some point in the city of New York. The proceeds of sale of said bonds shall be used for buying up, paying off and retiring bonds of the city of Louisville, which become due between January first, one thousand eight hundred and ninety-seven, and January first, one thousand nine hundred and four, when any of said bonds can be purchased at prices deemed reasonable by said board of commissioners, or when such bonds mature. When bonds maturing between the dates named can not be purchased at prices deemed reasonable by said commissioners, the new bonds provided for in this section, and undisposed of, shall be held as an investment, or the proceeds of sale of same shall be invested, so far as practicable, in bonds of the city of Louisville maturing after the year one thousand nine hundred and ten. Bonds maturing between the dates named, one thousand eight hundred and ninety-seven and one thousand nine hundred and four, shall, when purchased under the provisions of this section, be retired and canceled. But the bonds issued and sold in order to purchase the aforesaid bonds at a premium, shall not be regarded as an increase of the bonded debt of the city, but this act shall be carried out and construed as if said new bonds had been outstanding at the time this act takes effect. The bonds authorized and required by this section shall be a charge upon the sinking fund of said city. The real estate belonging to the city and the stock of the water company shall not be sold by the commissioners of the sinking fund, nor considered by them in certifying a deficiency of means under this section, but the estimated income therefrom shall be consid-

ered. The forms of bonds adopted for the first issue by ordinance of the general council shall, as far as applicable, be followed in all others.

Mode of reduc-  
tion. § 5. The reduction commanded in the first section of this act shall be made by paying off the bonds as they mature, and by buying in each year bonds of the issue next thereafter maturing, if such bonds can be bought at prices which to said commissioners seem reasonable; the commissioners shall invest the money in their hands in such manner as is now permitted by law, and shall have power to change the investment from time to time. Whenever said board of commissioners of the sinking fund shall own any bonds of the city of Louisville of the issue next thereafter maturing, such bonds shall be canceled and defaced or destroyed.

Call in bonds. § 6. It shall be the duty of the commissioners of the sinking fund to call in five hundred thousand dollars of the one million dollars issued in one thousand eight hundred and eighty, and falling due in one thousand nine hundred and twenty; such call to be made according to the terms of the issue of said bonds. The Duties of council. general council shall, at the request of said commissioners, provide by ordinance for the issue of five hundred bonds of one thousand dollars each, payable at the same time and place, and upon the same terms as the bonds directed to be called, except that the new issue shall bear interest at the rate of four per cent. per annum, payable quarterly. The said commissioners shall, by advertising for bids, ascertain the highest price at which said new bonds can be sold; and may, at such rate, exchange the bonds of the new issue, or any of them, for the bonds herein directed to be called; or may sell the bonds of the new issue and pay off said bonds, or such of them as can not be exchanged.

§ 7. All acts or parts of acts authorizing the city of All acts repealed. Louisville to issue bonds upon the vote of the people

or otherwise, in general or for any special purpose, are hereby repealed.

§ 8. This act shall take effect when submitted to a vote of the people of the city of Louisville at a special municipal election, to be held on a day not later than July first, one thousand eight hundred and ninety, to be fixed, together with the form of the submission, by resolution of the general council, at which election a majority of the votes cast shall favor the adoption of this act. The resolution of the general council designating said election day, including a copy of this act, shall be published at least three times in two daily newspapers published in said city not less than ten days nor more than thirty days prior to such election. The designation of said election day by the general council, the publication required above and the result of said election, shall be recited in any bonds or consuls that may be issued under this act.

§ 9. All acts or parts of acts inconsistent with the provisions of this act are repealed.

§ 10. This act shall take effect from and after its passage.

Approved February 27, 1890.

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## CHAPTER 264.

AN ACT to incorporate the Gardnersville Cemetery Company, in Pendleton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Henry Claycamp, J. T. Linder, C. V. Galden, William Menifee, Matthew Menifee, C. L. Caldwell and B. K. Menifee, and their successors in office, be, and are hereby, created a body-corporate, under the name and style of the "Gardnersville Cemetery Company;" and that by that name said

company shall have perpetual succession; and shall have the power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts in this Commonwealth.

§ 2. They shall have the power to purchase other lands than that now owned by them, and such lands as said company controls shall be held exclusively for a cemetery.

§ 3. The grounds and fixtures thereon shall not be subject to mortgage or sale under any judgment, execution, or decree.

§ 4. Said company may receive by gift any land or other property for the purpose of ornamenting, improving, or extending the grounds of the company, subject to the restrictions aforesaid.

§ 5. The business of this company shall be managed by a board of five directors, all of whom must be stockholders in said company. The corporators, Claycamp, Linder, Golden, Caldwell and William Menifee, shall constitute the first board of directors, and shall continue in office until the first Saturday in January, one thousand eight hundred and ninety-one, and until their successors are elected, at which time, and every two years thereafter, the members of this corporation may elect a board of directors, who shall continue in office until their successors are elected. They shall choose a president out of their number, and appoint a secretary and treasurer; said treasurer to give such bond as they may require; said directors may fill all vacancies which may occur in their body.

§ 6. They shall cause to be made and kept an accurate map and survey of the grounds and lots in said cemetery.

§ 7. They shall have power to make by-laws for the regulation and control of lots, and for the control and management of the grounds and graves, and the mode of ornamenting the same.

§ 8. Said board of directors shall have power to sell



burial lots at either public or private sale, and when sold it shall be the duty of the president to give to the purchaser, giving the number of the lot or lots, a certificate thereof, which shall vest the purchaser with the title; said certificate shall be attested by the secretary.

§ 9. Any purchaser failing to pay the contract price for any lot or lots for a period of twelve months from the day of his purchase shall forfeit all claim to same, and the lot or lots, with all the improvements thereon, shall revert to said corporation.

§ 10. Said board of directors shall have the power to appoint a superintendent, or any other officer they may deem necessary, and require bonds from each for the faithful discharge of their respective duties. The proceeds of the sale of lots, and all money that may come to the corporation from any other source, shall be applied first to reimburse those who made advancements for the original outlay and purchase of the premises, the remainder of which shall be applied to ornament and improve the grounds, and defray incidental expenses and purchase of additional ground.

§ 11. The title to any lot may be transferred according to such rules as may be prescribed by the by-laws of the corporation, but in no other way. If not transferred by the grantee, it shall descend or pass by devise as any other real estate. Said lots shall be used for none other than burial purposes; and if applied to any other use, shall revert to said corporation.

§ 12. That if any person shall violate any of the graves of the dead, or any vault, or willfully injure any of the ornaments, shrubbery, fencing, fixtures, or buildings, or in any way damage the grounds or other property of the company, such person or persons so offending shall be fined not less than ten nor more than one hundred dollars, which may be recovered before a justice of the peace, or by indictment in the Pendleton Criminal Court, and shall also be liable in

a civil action for damages in any court having jurisdiction of the amount claimed.

§ 13. The above-named corporators are hereby empowered to take a deed or deeds, for the use and benefit of said company, for the land now used, or which may hereafter be conveyed to said company for burial purposes, and this power shall descend to their successors in office.

§ 14. The private property of the stockholders in this corporation shall be exempt from the debts of the corporation.

§ 15. This act shall take effect from and after its passage.

Approved February 27, 1890.

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## CHAPTER 265.

AN ACT to incorporate the Climax Gas Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Names of incor-  
porators and cor-  
porate powers.

§ 1. That Dan. S. Roberts, Sr., A. J. Thompson, D. F. Shacklett, Jesse S. Willett, Bettie Bruner, B. W. Shacklett, W. H. Richardson, W. A. Mossbarger, J. H. Shacklett, Wm. Ayers and Gus. W. Richardson, their successors and assigns, be, and they are hereby, created a body-corporate, under the name of the Climax Gas Company; and by that name shall have perpetual succession, and the power to contract and be contracted with, to sue and be sued, implead and be impleaded; to take, own and in anywise alien property, real, personal and mixed; have a common seal, and alter the same at pleasure; and to establish by-laws and make rules and regulations for the management of the affairs of said company, not inconsistent with the Constitution or law of this State or of the United States.

§ 2. The affairs of said corporation shall be conducted by a board of directors of not less than three nor more than nine directors, who shall be elected for a term of one year, and until their successors are elected, at a meeting of the stockholders of said corporation, to be held in the town of Brandenburg or the city of Louisville, as the directors may, from time to time, determine, on the fourth Monday in March in each year. Said directors shall elect a president, a secretary and treasurer, who may be members of said board. The meetings of the board of directors shall be called by the president, or in case of his absence, inability or refusal to act, by a written call by not less than three of the directors. The powers, duties, and compensation of the president and other officers of the company shall be prescribed by the board of directors. D. S. Roberts, B. W. Shacklett, A. J. Thompson, D. F. Shacklett, Wm Ayers, Jesse S. Willett and Gus. W. Richardson shall constitute the board of directors until the first annual election provided for herein. In all meetings of the stockholders they shall be entitled to one vote for each share of stock held by them. They may vote in person or by proxy, subscribed to by them. Of all meetings of the stockholders, five days' notice shall be given by the secretary of the company.

Affairs to be managed by board of directors.

§ 3. The capital stock of said company shall be one million dollars, divided into shares of one hundred dollars each, which shall be subscribed for and paid for at the times and upon the terms, and transferable in the manner, to be prescribed in the by-laws of said company, and may be paid for in money, lands or services performed. The stockholders of said company may, by a two-thirds vote of all the stock, at a meeting called for that purpose, increase said stock not exceeding one million dollars.

Capital stock.

§ 4. Said company is hereby empowered to develop, produce, utilize, convey, or in any otherwise dispose of natural gas, petroleum, salt water, building stone,

Nature of business.

lithographic and potter's clay, or any of them which may be upon or come from any of the lands which said company may own, lease, acquire or control, or upon which, for any of said purposes, or to do any of the acts in these articles mentioned, it may have or acquire the right; and to these ends said company is empowered to drill, bore or in anywise sink and maintain wells for the purpose of producing such natural gas, petroleum and salt water, or either, and construct, lay or maintain and operate derricks, buildings, machinery, tanks, pipes, reservoirs, receivers, gasometers, warehouses, manufactories, and any other improvements or appliances in or by means of which such gas, petroleum or salt water, or either of them, may be produced, stored, distributed, sold or utilized, and to construct, lay and operate conduit pipes of any kind, and may employ any other suitable means for the conveyance, distribution, storage, sale and utilization of the products of said company either upon, under, to or from any of said lands or other places.

May open  
ground in any  
city or town.

§ 5. With the consent of any city or town within this Commonwealth, by ordinance or resolution of its general council or board of trustees, said company shall have power and authority to open the ground in any street, alley, park, lane, or other public place within its limits, and lay therein, remove, alter, repair, and maintain such pipes for so conducting, distributing, vending, and utilizing said natural gas for the purposes of illumination and heating, restoring such ground, however, and any improvement thereon, to as good condition as before within a reasonable time; and in doing the acts mentioned in this section, said company shall commit no injury to any gas or water pipe or sewer laid within the ground.

May consolidate  
with other com-  
panies.

§ 6. This company shall have power to consolidate with other companies engaged in developing natural gas in Meade county, Kentucky, and the territory contiguous thereto, on such terms as may be agreed upon; and in order to the conveyance of such natural

gas to any of the towns or cities within the State, said company shall have power to acquire, by purchase, gift, or condemnation, as hereinafter provided, the use of any land along such route or routes as may be selected by the board of directors of said company to lay, maintain and repair such pipes and buildings, retorts and other apparatus or appliances needed to be used in order to properly and economically convey said gas as aforesaid ; and in order to such acquisition of such use of lands, said company shall cause such use of, in and over and under only so much as may be necessary to be valued, condemned, and by it paid for in the manner prescribed by an act, entitled "An act to prescribe the mode of condemning lands for the use of railroad and turnpike companies," approved April eleventh, one thousand eight hundred and eighty-two ; and said company shall have power and authority to lay their gas mains under the bed of Salt river, or to construct the necessary structure to support the same over said river, so as not to interfere with the navigation of said stream.

§ 7. The principal place of business of this corporation shall be in the town of Brandenburg or the city of Louisville, as the directors may, from time to time, determine.

§ 8. The private property of the stockholders and officers shall be exempt from its corporate debts and liabilities.

§ 9. This act shall take effect from and after its passage.

Approved February 27, 1890.

## CHAPTER 266.

AN ACT to amend an act, entitled "An act to regulate municipal elections in the city of Louisville."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to regulate municipal elections in the city of Louisville," approved February twenty-fourth, one thousand eight hundred and eighty-eight, be amended so as to read as follows, namely: That from and after the passage of this act all elections in the city of Louisville of municipal officers, members of the general council and school trustees, or to determine any municipal question submitted to the people, shall be held and carried on by ballot in the manner hereinafter provided; but the provisions of this act shall not apply to the election of judge, prosecuting attorney, clerk or marshal of the city court.

To vote by ballot.

§ 2. In order to have their names printed on the ballots hereinafter described, candidates must be nominated as follows: A candidate for one ward must be nominated by a written petition, accompanied by the city treasurer's receipt for five dollars, of ten or more registered voters of such ward; a candidate for the city at large must be nominated by the written petition, accompanied by a like receipt for twenty dollars, of fifty or more registered voters of the city; the petition and receipt, in either case, to be presented to the mayor not less than ten days, Sunday included, before the election. Each voter signing said petition must add to his signature his place of residence, with the street and number thereof, and each voter may subscribe to one nominating petition for each office to be filled, and no more. Each petition, besides containing the full name of the candidate, shall specify—first, the office for which the candidate is nominated; second, the candidate's place

Nominating candidates—how done.

of residence, with street and number thereon. The <sup>Place of residence.</sup> candidate nominated by said petition shall, in his own handwriting, or, if he can not write, in the handwriting of another, attested by the said candidate's mark and the signature of the party doing the writing, indorse upon said petition a brief statement that he consents to act, if elected to the office for which the petition nominates him. The petition being apparently in conformity with the provisions of this section, shall be deemed valid unless within two days after its presentation to the mayor objection thereto, in writing, is made. Any such objection or apparent irregularity shall be passed upon by the mayor, city attorney and the clerk of the upper board of the general council, and the decision of a majority of these officers shall be final. In case such objection is made, or an apparent irregularity appears, written notice, stating grounds of such objection or apparent irregularity, shall be at once sent by the mayor to the candidate affected thereby, addressed to his residence as given in the petition. Should the decision be against the validity of the petition, the candidate named in it shall be given the further time of one day to perfect the petition. All petitions of nomination, and the receipts accompanying them, shall be open to public inspection, and the mayor shall preserve same in his office for at least six months after the election to which they pertain.

§ 3. It shall be the duty of the mayor of the city to <sup>Duty of the mayor.</sup> cause to be printed and bound, and ready for distribution, not less than one day before any municipal election, one book of stubs and ballots for each voting precinct in said city. He shall also, within same time, cause to be printed (the same being prepared and signed officially by the city attorney or his assistant) full instructions to the election officers as to their duties under this act. Not less than six such instructions shall be sent to the election officers at each precinct. He shall, at the same time, have printed and

sent to the election officers of each precinct a sufficient number of the form set out in section fifteen of this act to meet the requirements of that section and the affidavits required by section nine of this act. The mayor must use every precaution to prevent any such book of stubs and ballots, any ballots from such book, any fac-similes or imitations thereof, or any information whatsoever about same, from being secured by any candidate, or other person or persons, from the printer employed to print and bind same, or from any of his agents or employes employed on such work, or in any way connected with his establishment or with this work. It shall be the duty of the mayor alone, and unaided by any person whatsoever, to prepare in accordance with this act the form of this book of stubs and ballots, and color or colors of the paper to be used in making same. The mayor shall not receive such book of stubs and ballots from the printer until the said printer shall have certified, in writing, under oath, that—first, such books of stubs and ballots are all such that have been, or will be, printed in his establishment prior to the conclusion of the ensuing election; second, no such ballot, fac-simile or imitation thereof remains, has been printed, or will be printed, in his establishment, prior to the conclusion of the ensuing election; third, all the forms upon which such books of stubs and ballots were printed have been destroyed, and will not be restored prior to the conclusion of the ensuing election; fourth, he will give no information nor has given any about such to any candidate, person or persons; fifth, to the best of his knowledge and belief none of his employes or agents have or will give any such information to any candidate, person or persons. Should the mayor not be able, prior to the tenth day, Sundays included, before any election, to contract for such printing and binding under the prescribed conditions, then, at the mayor's instance, the Public Printer of this Commonwealth shall do such printing and



binding under the prescribed conditions and at the usual cost for such work. He shall preserve said certificate in his office for one year. On the day before the election the mayor shall distribute such books of stubs and ballots, the forms, affidavits and instructions mentioned, securely sealed in a paper package, among the clerks of the election of the several precincts of the city, or to a judge of same, should any such clerk be sick or absent. He shall indorse upon these several sealed packages—first, the election and date thereof at which same shall be used; second, the number of the precinct and ward for which said package is intended; third, the number of ballots, forms of election returns, affidavits and instructions inclosed in said package. He shall keep a book in which, before he delivers said packages to the several clerks or judges, the clerk being sick or absent, he shall require each clerk or judge, the clerk being sick or absent, to write and sign a receipt certifying specifically to the facts indorsed on the said packages, and that said package, when delivered to the said clerk or judge, the clerk being sick or absent, was securely sealed. Should said package be given to a judge, the reason for so doing must be stated in said receipt. He shall swear in the said clerk or judge, the clerk being sick or absent, and instruct same not to break the seals of the package, nor permit same to be done, until the opening of the polls at his proper precinct, and in the presence of the other officers of election, and of all persons in attendance who are the properly appointed representatives of the candidates. The book of stubs and ballots for each precinct shall contain as many leaves as there are registered voters therein, with a reasonable number added to supply ballots that may be spoiled. The form hereinafter given for the election return shall be printed on the inside of one of the covers of the said book of stubs and ballots. The cost of print-

ing and binding the said book of stubs and ballots, and the necessary expenses of all publications, stationery, ballot-boxes, candles and compartments prescribed by this act, shall be borne by the city. Should the mayor be absent from the city, or prevented by sickness from acting, the duties imposed by this act upon him shall be performed by the city attorney.

§ 4. Each stub in said book of stubs and ballots shall have printed on it one of a series of consecutive numbers, commencing with number one and ending with the number which is the total number of such stubs in all of such books of stubs and ballots, and running through all of said books of stubs and ballots, so that no number shall appear on more than one stub; and said books of stubs and ballots shall be so distributed by the mayor among the various precincts that said serial numbers shall not be continuous with the numbers of said precincts, but shall be so discontinuous, when read in the order of the numbers of said precincts, that no regularity of arrangement may be discovered, and the mayor shall keep secret, until the hour of election, what book or books of stubs and ballots may be selected for any or for all of said precincts, and shall be worded as follows: Consecutive number \_\_\_\_\_ (after these words the consecutive numbers shall be printed, beginning with one, and increasing in regular numerical order); name of voter \_\_\_\_\_ (after these words the clerk shall set down the name of the voter); registered residence \_\_\_\_\_ (after these words the clerk shall set down the voter's residence as found in the registration book of the precinct). The ballot shall be printed on opaque paper, and shall be on the same leaf with, and shall be separated from the stub by a perforated line; and it shall be divided by heavy black lines into two columns, and these again by horizontal black lines into divisions for the different offices to be voted for, or

municipal questions to be determined. Each division shall be substantially in the following form :

For Mayor.  $\left\{ \begin{array}{l} \text{John Brown.} \\ \text{William Smith.} \end{array} \right.$

There shall be left at the end of the list of candidates for each different office as many blank spaces as there are persons to be elected to such office in which a voter, or the clerk, in case the said voter can not write, may insert the name of any person not printed on the ballot for whom the said voter desires to vote as candidate for such office. The names of the candidates shall be arranged in the alphabetical order of their surnames, and if several candidates have the same surname, in the order of their given names ; and in like manner for the other city offices to be filled in this order, or in such order as the mayor may direct : Mayor, receiver of city taxes, treasurer, auditor ; then, if any municipal question be submitted,

For ——— tax (or other measure).  $\left\{ \begin{array}{l} \text{Yes.} \\ \text{No.} \end{array} \right.$

Should there be no other officers to be voted for by the whole city, proper divisions are to be added for them. In the second column similar divisions shall be printed : For alderman, — ; for councilman, — ; for school trustee, —, with the names of the candidates put after them in the manner above indicated : *Provided*, The ballot shall have only one column when only representatives of wards, or when only officers for the whole city are to be elected ; but nothing in this act shall be construed as preventing the mayor from arranging the order in which said offices appear on the official ballot as he sees fit, and he shall use every precaution to prevent the order in which they do appear being known at any time prior to the election. After each name on each ballot, after the words yes and no, when a municipal question is to be determined, and after the blank space before mentioned, shall be printed a square, thus : ☐ large

Form of poll-books.

enough to contain the cross-mark by which the voter is required to designate his vote. At the opposite end of the ballot from the stub, and on the same leaf with said stub and ballot, there shall also be appended a small slip or annex separated from the ballot by a perforated line, on which slip shall be printed the same consecutive number which is printed on its corresponding stub. When the ballot shall be returned by the voter, folded as hereinafter provided, the judge who receives the ballot from the voter shall, without unfolding it, submit the same to the inspection of all the officers of election, and the properly appointed agents of all the candidates, and if the slip or annex and the stub have the same number, and it meets the requirements of this act in other respects, he shall in the presence of all the officers of election tear off from the ballot and destroy said slip or annex, and then deposit the ballot in the ballot-box as hereinafter provided.

Mayor shall publish notice.

§ 5. The mayor shall cause to be published, two days prior to the day of election, in at least two daily newspapers in the city of Louisville (selecting, if there be such, papers representing the political parties which cast at the preceding election the largest and next largest number of votes), a list of all the nominations made as herein provided, and to be voted for in the city, and of the offices for which they are candidates.

Duties of council.

§ 6. It shall be the duty of the general council, as soon as practicable after the passage of this act, and every year thereafter, to subdivide the wards into precincts, in such a manner that no precinct shall contain more than three hundred and fifty registered voters. It shall be the duty of the mayor, by message, to inform the general council of the duty imposed on it by this section. Any registered citizen of the city of Louisville shall have the power to enforce, by mandamus, the mayor's or council's compliance with this section.

§ 7. Any person desiring to vote shall give his name How to vote. and residence to the election clerk, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible; and if such name and residence are found upon the registration list, and such person is found otherwise qualified, the clerk shall check the same upon the registration book, and repeat aloud such name and residence, and shall then put said name and registered residence on the proper stub in the book of stubs and ballots, and the said book shall for this purpose take the place of a poll-book. The clerk shall then tear the ballot off the stub, leaving the slip or annex still attached, and he shall fold the ballot so that the same shall be divided by two creases parallel to the perforated line into three equal parts, and so that the names upon the ballot are wholly concealed, and so that the slip or annex shall wholly project from the ballot; and he shall then write his own name on one of the exterior sides of the ballot when so folded. And he shall thereupon instruct the voter to return the ballot and slip or annex, when he has marked it as hereinafter directed, and to fold it in the lines of the creases previously made by the clerk, so that the said signature of the clerk shall appear upon one of the exterior sides, and the slip or annex shall project wholly from the folded ballot.

§ 8. The mayor shall provide each precinct with a Mayor to provide boxes, etc. good and substantial ballot-box of sufficient size; the judges, clerk and sheriff of each election precinct shall, just before the voting begins, open and inspect such box, and satisfy themselves and such of the candidates as may be present in person or by one properly appointed representative, that the box is then empty. The said officers shall then, in the presence Duties of officers. of such of the candidates as may be present in person or by one properly appointed representative, break the seals of the package containing the book of stubs and ballots, the blank forms of election returns, the affidavits and the printed instructions, having

previously satisfied themselves that the same have not been tampered with. The said officers shall, in their return of the election, report whether or not said package was received in good condition at their precinct, and whether the same, previous to their breaking the seals, bore any evidence of having been tampered with. A false report by them in this particular, or of any other fact in their return, shall be punishable as perjury. The box shall have a slit in the lid, through which ballots may be put in, but through which they can not be taken out. The lid shall be fastened by two locks, requiring two different keys, of which each of the two judges shall keep one; said ballot-box to be locked before the voting begins. The mayor shall also cause to be set up at each voting place wooden compartments, one for every one hundred and seventy-five registered voters, or fraction thereof, about six feet in height and about three feet square; one side to open and shut as a door, with a narrow shelf affixed to the opposite side. The clerk of each precinct shall put into each of the compartments of his precinct one candle and lead-pencils with rubber erasers attached thereto, and so hung by strings as to be conveniently used by the voter in marking his vote.

Voting by ballot—how done.

§ 9. On receipt of his ballot from the clerk, the voter shall forthwith, and without leaving the voting-room, retire alone into one of the unoccupied compartments and close the door behind him, and while within the same he shall prepare his ballot by marking in the appropriate squares a cross [X] opposite the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor, and marking in the appropriate square a cross [X] opposite thereto; and in case of a municipal question to be determined, by marking in the appropriate square a cross [X] opposite to the answer which he desires to give. Before leaving the com-

partment the voter shall fold his ballot as previously folded by the clerk, showing the signature of the clerk and allowing the slip or annex therein to project from the ballot. No ballot shall be received by the election officers unless previously made up in the said compartment and folded as herein prescribed. The ballot shall be kept so folded until deposited in the ballot-box. Before the voter leaves the voting-room the said ballot shall be deposited by a judge in said ballot-box, with the official signature of the clerk uppermost. The voter shall mark his ballot, and the judge shall deposit the same without undue delay, and the voter shall quit said voting-room and the prohibited space of fifty feet as soon as said ballot shall have been deposited in the ballot-box. No person, except as otherwise provided, shall be allowed to occupy or enter a compartment already occupied by any one else, nor to remain within a compartment more than three minutes, nor to remain in the voting-room or the prohibited space of fifty feet more than ten minutes. No voter, not an election officer, candidate, or properly appointed representative of such candidate, or policeman, when called upon by an election officer, by a candidate, or by a properly appointed representative of a candidate, to make an arrest or to preserve the peace, shall be permitted, after he shall have voted, to re-enter the voting-room, or, except a policeman, the prohibited space of fifty feet. At other times all policemen shall keep out of the voting-room, but shall remain within the hereinafter prohibited space around same to see that not more than two voters shall enter same or the voting-room at the same time. They shall also prevent the representatives of candidates from running to and fro between the voting-room and the outer limits of the prohibited space of fifty feet. Should a voter inadvertently spoil a ballot, he may return it and receive in place thereof one other ballot. The spoiled ballot thus returned shall be preserved by the clerk,





blank space provided therefor, and shall, with his pencil, mark a dot in the appropriate square. When a municipal question is to be determined, the clerk shall state the question as shown by the ballot, and shall, with his pencil, mark a dot in the appropriate square after the answer given. The clerk shall then submit the ballot for inspection to all the other officers of election and the properly appointed agents of the several candidates. The voter shall not have the aid of any person, ballot or paper in indicating to the clerk his choice of candidates for the various offices, but shall, unaided in any way, make oral declaration of his vote or candidate's name. The judges shall then deliver the ballot to the voter, and instruct him to retire alone into one of the compartments, and while there mark his ballot by making a cross-mark either in the squares showing dots in them, or in any other squares he may desire. Such voter shall vote in all other respects as other voters are required to vote.

§ 10. When a voter is, and avows himself to be, Blind voter. blind, and is found to be such by the concurrence of both judges and sheriff of the precinct, the clerk shall, after tearing the ballot from the stub and writing the word "Blind" on said stub, accompany him to one of the compartments, and there mark the ballot at his dictation. He shall then fold the ballot in the way other voters' ballots are required to be folded, indorse his (clerk's) name on one of the exterior sides thereof, and under it place the word "Blind." The voter and clerk shall then return to the voting-room, hand the ballot so folded to a judge, who shall, after the other officers and properly appointed agents of candidates shall have compared the consecutive number upon the slip or annex with that on the stub from which the ballot was torn, tear said slip or annex from the ballot, destroy same, and forthwith deposit the ballot in the ballot-box.

§ 11. A ballot which appears from its paper or

False ballots.

otherwise not to have been taken from the stub-book, or not to have been lawfully received from or deposited with the election officers by the voter having it, or which is not indorsed with the clerk's signature, or with the other indorsements required by this act, or which contains any marks or writing upon it other than provided for by this act, or which has been carried by any person outside of the voting-room, or shown to any one after same is marked, except as provided herein in the case of a blind voter, shall be void and shall not be put into the ballot-box, but shall be marked "Spoiled," and preserved and returned in a separate sealed envelope or package. Should any such ballot, or any ballot which has the slip or annex thereon, by inadvertence or otherwise, get into the ballot-box, such ballot or ballots shall not be counted, but shall be marked "Defective," and preserved and returned in a separate sealed envelope or package. Where a voter marks more candidates for one office than he has a right to vote for, or if for any reason it is impossible to determine the voter's choice for any office, the ballot shall be void as to that office only.

Voter who has been voted by fraud.

§ 12. When a person, in whose name a vote has already been cast, offers himself to vote, and it appears to the satisfaction of the judges that he is the true bearer of the registered name, they shall give him a ballot, but shall mark on the back thereof and on the stub the words "Voted on before," together with the registered name, and the ballot thus marked shall not be counted in declaring the result, but may be used in a contest over the election.

Duty of city attorney.

§ 13. The city attorney or his assistant shall prepare and sign officially full instructions for the guidance of voters as to obtaining ballots, as to the manner of marking them, the method of gaining assistance, as to obtaining new ballots in place of those accidentally spoiled, and as to such other duties as this act imposes upon voters. The mayor shall cause the same to be printed and to be delivered to

the election clerk of the several precincts at the same time and in the same manner as he is required by this act to deliver the books of stubs and ballots, the affidavits, returns and instructions to election officers, provided for herein. The election officers shall post in each of the compartments one or more of these cards of instructions to voters, to the end that voters may the more readily understand their duties under this act. The mayor shall cause said instructions to be printed for two days prior to the election in the two daily newspapers in which he causes the list of nominations made to be printed, as hereinbefore provided.

§ 14. The polls at all municipal elections in Louisville shall open at seven o'clock A. M. and close at seven o'clock P. M., and the voting shall not be suspended during that time. Each ballot-box shall then be opened and the count shall at once proceed, without interruption, at the voting-room, until every vote for every candidate and on every municipal question to be determined is counted. Each candidate may be present at the count in person or by one properly appointed representative. The ballots and papers shall be sealed, indorsed and returned as follows: First, the ballots which are rejected; second, the ballots counted as valid; third, the ballots marked "Defective;" fourth, the ballots marked "Voted on before;" fifth, the spoiled ballots; and sixth, the affidavits of illiterate voters, shall all be put in separate sealed packages, and the appropriate number and description of such ballots or papers indorsed upon each package over the names of the election officers. The officers of each election precinct shall return these packages, together with the stub-book, to the mayor on the night following the election, or to the city attorney, if the mayor should be sick or absent from the city.

Hours of elections.

Ballots—how prepared.

§ 15. The form of the election return above provided for shall be substantially as follows: Returns..

## MUNICIPAL ELECTION,

..... day of ....., 18..

..... precinct of ..... Ward.

Number of ballots counted as valid.....

Number of ballots rejected.....

Number of ballots marked "Voted on before".....

Number of ballots marked "Defective".....

Number of ballots marked "Spoiled".....

Whole number of ballots cast.....

Number of ballots received for mayor by .....

Number of ballots received for receiver of city

taxes, by .....

(And so for other city officers.)

Number of ballots on question of ....., voted yes .....

Number of ballots on question of ....., voted no .....

Number of ballots received for alderman, by .....

(And so for councilman and school trustee.)

Number of stubs and ballots delivered at the  
above-mentioned precinct.....Number of stubs and ballots returned to the  
mayor as unused and remaining in the stub-  
book .....

We, the judges, sheriff and clerk of election, at the precinct and ward of the city of Louisville above-mentioned, certify that the above is a correct return of the election held therein on the day aforesaid. We further certify that at the opening of the polls at the aforesaid precinct of said ward, we carefully inspected, in the presence of each other and the following-named agents of candidates, the package containing the book of stubs and ballots of said precinct, and found the same securely sealed and bearing no evidence of having been tampered with since same was sealed.

....., *Judge.*....., *Judge.*....., *Clerk.*....., *Sheriff.*

If the facts warrant the charge that the package has been opened or tampered with, the election officers shall so report. The election officers shall give to every candidate, or candidate's properly appointed representative at the precinct, an exact duplicate of their return, to be signed in like manner, which may be used as proof in case of loss or destruction of the original; for this purpose the officers of each precinct, as hereinabove provided, shall be furnished with a sufficient number of blank returns.

§ 16. The laws now in force for the election of election officers, and for making returns of election in the city of Louisville, and the ordinances of the general council enacted under the same, as far as compatible with this act, shall remain in force subject to the general power of the general council to repeal such ordinances and to enact others not incompatible herewith: *But it is further provided*, That a majority of the general council, in joint session, shall elect election officers required by this act and the charter of the city of Louisville, at such times and places as it may, by ordinance, direct, but neither joint resolution nor the presence of a quorum of both boards shall be requisite. Said election officers shall be equally divided between the two leading political parties in the city of Louisville. Any person who, having been duly elected by the general council for the office of judge, sheriff, or clerk, shall absent himself from the polls on the day of any municipal election during the year for which he is chosen, or shall fail to act on any such day in the office for which he is chosen by the general council, not being prevented by sickness of himself, wife, child or parent, shall forfeit for every such failure the sum of fifty dollars, one-half of said recovery to go to the prosecuting attorney of the city court and the other half to the city, and to be recovered by proceedings in the nature of an ordinance warrant in the city court, and to be

General laws to apply when applicable.

Persons who must absent themselves from the polls

collected as other fines in such court are collected: *And provided further*, That whenever vacancies arising through the absence of any such officer have been filled by the remaining officers, the person temporarily filling the position shall vacate the same whenever the officer regularly elected appears and demands his place.

Who shall remain in room.

§ 17. The following persons, and no other, shall be permitted to remain in the room in which the election is held with the judges, sheriff and clerk: One agent of each candidate who has been named in writing by the candidate as the only, or as one of two agents for such precinct, provided such writing has been deposited before the opening of the polls with the clerk of the election, who shall set down the name of such agent and that of the candidate he represents in the stub book before the voting begins. These agents have the right to challenge persons offering to vote, but are not allowed to persuade, influence or intimidate any one in the choice of his candidate, or to attempt doing so, nor shall they go forward and backward between the polls and those awaiting their turn.

Voting places.

§ 18. The voting-places at all elections under this act shall be so arranged as to leave a clear space of fifty feet between the room or inclosure in which the voting is done, and those awaiting their turn to vote, or other persons present at said election; and the sheriff of election and the police stationed at said precinct shall keep all persons, except the officers of the election, those voting at the time, and the candidates or properly appointed agents of candidates hereinbefore mentioned, at that distance from the room or inclosure; and for that purpose, the Mayor of the city shall cause to be stationed one or more policemen at each voting-place, specially charged to enforce the provisions of this section.

Penalties.

§ 19. The penalties denounced by article twelve of chapter thirty-three of the General Statutes, and as far as applicable in article thirteen, section twelve of

the same, and the proceedings therein authorized, shall apply to elections as regulated herein, as herein explained and modified.

*First.* The word "sheriff" in section one of said article shall include "mayor," or the officer acting in place of the mayor.

*Second.* The word "poll-books" shall include the stub books hereby authorized.

*Third.* The failure of election officers to act shall be prosecuted under section sixteen of this act.

*Fourth.* Any person who falsely personates a registered voter and receives a ballot under the provisions of section seven of this act by means of such personation, and casts said ballot, shall be deemed guilty of a felony, and shall, upon conviction thereof, be sentenced to imprisonment in the penitentiary at hard labor for not less than one year nor more than two years, and forfeits his right to vote forever after. The attempt at such personation shall be punished as a misdemeanor, with a fine of not exceeding two hundred dollars, and imprisonment not exceeding six months.

*Fifth.* After the final count of the ballots provided for herein, the mayor or officer acting in his place shall seal up in separate packages the ballots cast at the election, the spoiled or rejected ballots, those marked "Voted on before," and all other papers or ballots connected with the election, and deliver the same to the clerk of the Jefferson Circuit Court, to be by him carefully preserved for one year, and so long thereafter as any prosecution or civil action may be pending in any of the courts of this Commonwealth under this act. Said packages may be opened and used as evidence in any criminal prosecution or civil action after an order therefor from any such court is obtained; but thereafter must be immediately resealed by said clerk.

*Sixth.* Any officer of election, candidate or properly appointed representative of a candidate, who

Punishment for false voting.

Mayor shall seal up ballots.

Shall not give information of how one voted.

gives any information as to any one's vote which he has obtained in the course of or by color of his office, except when compelled to do so in the course of a judicial investigation, or shall open any ballot after the same shall have been lawfully marked and folded by a voter as required by this act, or as to the number of votes cast at any time during an election under this act at any precinct, shall be guilty of a misdemeanor, and shall, on conviction, pay a fine of not less than fifty nor more than one hundred dollars for each offense.

The law of bribery to apply.

*Seventh.* The law of bribery, as defined in article twelve of chapter thirty-three of the General Statutes, shall be so construed as to all election to municipal offices in the city of Louisville, including positions in the general council and school board, and votes on municipal questions submitted to the people of Louisville, that it shall not be deemed material in which way, or whether a voter would have voted if he had not received the bribe or the promise thereof. But the offense of giving or receiving a bribe shall be complete when any thing of value is given, offered or promised to a voter as an inducement to vote or not to vote, or to vote in any particular way at an election; or as a reward for having voted, not voted, or voted in a particular way, or for having procured another to vote in a particular way, or not to vote; and it shall also be immaterial whether the person to whom the bribe is given or offered casts or withholds the vote in the manner desired of him or does otherwise.

*Eighth.* Any judge or sheriff of an election, who corruptly and falsely declares a voter to be blind, under section ten of this act, shall be, upon conviction, confined in the penitentiary for one year.

Penalty for showing ballot.

*Ninth.* A voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person with the intent of letting it be known how he is about to vote or has voted, or places any distinguish-



ing mark upon his ballot, or who shall make a false statement as to his inability to mark his ballot, or any person who shall unlawfully interfere or attempt to unlawfully interfere with any voter when inside said prohibited space, or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he intends to mark or has marked his ballot, or otherwise to violate any provision of this act for which no penalty is provided, shall be punished by a fine of not less than twenty-five dollars and imprisonment for one month; and election officers and candidates, and the properly appointed agent of a candidate, shall report any person so doing to the police officer in charge of the polls, whose duty it shall be to see that the offender is duly brought before the proper court.

*Tenth.* Any person who, during an election under this act, shall willfully deface, tear down, remove or destroy any card of instruction, printed or posted for the instruction of voters, or who shall, during an election, remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall willfully hinder the voting of others, shall be punished by a fine of not less than twenty-five dollars and imprisonment for one month.

Penalty for defacing or tearing down notices.

*Eleventh.* Any person who shall falsely make or willfully deface or destroy any nominating petition or receipt accompanying same, or any part thereof, or sign any such certificate contrary to the provisions of this act, or files any nominating petition or receipt accompanying same, knowing same or any part thereof to be falsely made, or suppress same or any part thereof which has been duly filed, or forge or falsely or unlawfully make the official indorsement on any ballot, or willfully destroy or deface any ballot, or shall take or remove any ballot outside of the inclosure provided for voting before the close of the polls, or willfully delay the delivery of any ballot, shall be punished by a fine of five hundred dollars and imprisonment for one year in the county jail.

Penalty for defacing or tearing down nominating petitions.

*Twelfth.* Any public officer upon whom a duty is imposed by this act, and no penalty provided for the violation thereof, who shall willfully neglect to perform such duty, or who shall willfully perform it in such a way as to hinder the objects of this act, shall be punished by a fine of fifty dollars, and imprisonment in the jail for two months.

Liability of public officers.

*Thirteenth.* Any policeman who fails to keep all persons at the lawful distance from the room or inclosure, as hereinabove provided, or election officers or agents of candidates from running backwards and forwards between the voting-room and the limits of the prohibited space, or who, in or out of uniform, seeks, in any way, to influence voters in their choice, or seeks to induce any one to vote or not to vote at or before any election under this act, or makes any demonstration whatever for or against any candidate other than to vote, or acts with partiality against or toward any measure, question, person, party or candidate, or who unfairly or with partiality admits any voter to the polls before his turn, or unfairly or with partiality keeps any voter from the polls, or shall fail to enforce the provisions of clause twenty-one of section nineteen at any election under this act, or is otherwise derelict on duty at such precinct, shall be dismissed at once from his office and rendered ineligible to such office for three years from the date of conviction. In case any policeman unlawfully assaults, or in any way intimidates, or by threats or violent language seeks to intimidate any voter at or near an election under this act, he shall, besides the above-mentioned penalty, be confined in the county jail for six months.

Duty of policemen.

*Fourteenth.* Any judge, sheriff or clerk of an election who, during an election under this act, shall be guilty of any of the acts named in clause thirteen, and made unlawful in the case of a policeman, or who shall unlawfully accompany or follow any voter into a compartment, shall, upon conviction, be declared ineligible to any municipal office for three years, and be fined fifty dollars.

Officers of election who are guilty of wrongdoing.

*Fifteenth.* Any person acting as the representative of a candidate, who, during an election under this act, violates any of the provisions of section seventeen and clauses thirteen and fourteen of section nineteen hereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined fifty dollars. and be declared incapable for three years thereafter of holding a municipal office, or of acting as a representative of a candidate at a municipal election. Personal representatives.

*Sixteenth.* Any person who shall give, advance or lend, or who shall offer to give, advance or lend to any person who is a candidate at a municipal election in the city of Louisville, or to any other person on behalf of such candidate, any money, security for money, or other thing of value, to be used in influencing, directly or indirectly, a voter or voters at such municipal election, or shall cause another to so give, advance or lend, or to offer so to do, shall be deemed guilty of bribery, and shall be punished as described in chapter thirty-three, article twelve, section twelve, of the General Statutes. Bribery.

*Seventeenth.* Any person who shall give to any voter any ticket, badge or token denoting the vote cast, or promised to be cast by such voter at such municipal election, with the purpose that such ticket, badge or token shall entitle such voter, or any one for him, or any one in any way designated by him, to any reward in money or other thing of value, shall be deemed guilty of bribery, and shall be punished as prescribed in chapter thirty-three, article twelve, section twelve, of the General Statutes. Shall not designate a voter.

*Eighteenth.* Any person who shall organize or help to organize any club or association, with intent that members thereof shall receive, or shall be promised any money, thing of value or reward for voting at a municipal election in the city of Louisville shall be deemed guilty of bribery, and shall be punished as prescribed in section twelve, article twelve, chapter thirty-three, of the General Statutes. Clubs shall not be formed.

*Nineteenth.* It shall be unlawful to give, advance, lend or deliver, or to offer to give, advance, lend or deliver, any money, note, bill of exchange, or other thing of value, to any candidate, or to any other person, for the purpose of its being used in any way in controlling or influencing any election provided for in this act; and all persons violating the provisions of this subsection in this respect shall be deemed guilty of bribery, and punished, on conviction thereof, as prescribed in chapter thirty-three, article twelve, section twelve, of the General Statutes.

*Twentieth.* Any person who shall give, subscribe to, or promise to contribute to any fund raised or to be raised, to be used in any way, directly or indirectly, in influencing any election, shall be guilty of bribery, and on conviction be punished as prescribed in chapter thirty-three, article twelve, section twelve, of the General Statutes.

*Twenty-first.* Any person who, during an election held in accordance with the provisions of this act, in the city of Louisville, or during the count on any vote taken at such election, or while making the return or certificate thereof, shall bring, take, order or send into, or shall cause to be taken, brought, ordered or sent into, or shall attempt to bring, take or send into any room or inclosure where any such election, count or return, or certificate thereof, is being held, taken or made out, or within the prohibited one hundred feet around same, any distilled or spirituous liquors whatever, or shall, at any such time and place, drink or partake of any such liquor, shall be guilty of a misdemeanor, and, upon conviction, be fined not less than fifty nor more than one hundred dollars.

*Twenty-second.* Any person who shall have been convicted of bribery, felony or other infamous crime under this act, or the laws of the State of Kentucky, and who shall thereafter vote or offer to vote at any election held under this act, without having been pardoned and restored to all the rights of a citizen, shall,

on conviction, be adjudged guilty of a felony, and for each and every such offense shall be punished by confinement in the penitentiary for not less than one nor more than two years.

*Twenty-third.* Any person who shall willfully disobey any lawful command of any officer of an election held under this act, given in the execution of his or their duty as such, at any such election, shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than two hundred nor more than five hundred dollars. Penalty for disobeying officers.

*Twenty-fourth.* Any person who, at or near any precinct during an election held under this act, shall commit or cause to be committed a breach of the peace, or use any disorderly violence or threats of violence, whereby any such election at such precinct, or the counting of the votes cast thereat, or the making returns or certificates thereof, shall in any way be impeded or hindered, or whereby the lawful proceedings of any such judge, clerk, sheriff or person permitted to be present under section seventeen of this act, or policeman stationed at such precinct, are interfered with, he shall be guilty of a misdemeanor, and, on conviction, be fined not less than one hundred nor more than two hundred dollars. Penalty for breach of the peace.

*Twenty-fifth.* Any person who shall knowingly or willfully obstruct, hinder, or assault, or who shall by bribing, solicitation, or otherwise, interfere with any judge, clerk, or sheriff of an election held under this act, or any person permitted by section seventeen of this act to be present at the casting or at the counting of the vote at any such election, or at the making out of the returns or certificates thereof, in the performance of any duty required of such judge, clerk, sheriff, or person or in the performance of any act or duty which such judge, clerk, sheriff, or person may, by law, be authorized or permitted to perform; or who shall, on the day of any such election, by any of the means before mentioned, or otherwise, unlawfully Willfully obstructing elections.

hinder or prevent, or attempt to hinder or prevent any such judge, clerk, sheriff or person mentioned in section seventeen of this act, from being present at the room or inclosure where such election is held in the precinct in and for which he is appointed or designated to serve; or from having full and free passage to and from any such room or inclosure save as otherwise provided in this act; or to and from any such room or inclosure where any such election, count of votes, or making out of any returns or certificates thereof is being held, taken, or made out; or who shall molest, interfere with, remove, or eject from any such room or inclosure where any such election, count of votes, or making out of returns or certificates thereof is being held, taken, or made out, any such judge, clerk, sheriff, or person, save as otherwise provided in this act; or who shall unlawfully threaten or attack such judge, clerk, sheriff, or person, or shall offer so to do, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment in the county jail for not less than three nor more than six months, or shall be fined not less than five hundred nor more than one thousand dollars, or shall be both so fined and imprisoned, in the discretion of the jury.

Unlawful distribution of tickets

*Twenty-sixth.* Any person who, at an election held under this act, unlawfully has, holds or distributes any book of stubs and ballots, or ballots taken therefrom, provided for in this act, or has, holds or distributes fac-similes or imitations thereof, shall be guilty of a felony and confined one year in the penitentiary. Any judge, clerk or sheriff, or properly appointed agent of a candidate who, at any such election, electioneers for any party or candidate, or engages in any political discussion at any such time and place, shall, upon conviction, be imprisoned not less than thirty days in the county jail.

*Twenty-seventh.* Every judge of an election under this act who shall willfully exclude any vote duly

tendered, knowing the person offering the same is lawfully entitled to vote at such election, or shall willfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, without exacting from such person such oath or other proof of qualification as may be required by law, or who shall willfully omit to challenge any person offering to vote, whom he knows or suspects not to be entitled to vote, and who has not been challenged by any other person, shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not more than two years.

*Twenty-eighth.* Every act which, by the provisions of this act, or the general election laws of the State of Kentucky, or the ordinances of the city of Louisville, is made criminal when committed with reference to the election of a candidate for a municipal office, including positions in the general council or school board, is equally criminal when committed with reference to the determination of a municipal question submitted to the voters to be decided by votes cast at an election held under this act.

*Twenty-ninth.* Irregularities or defects in the mode of convening, holding or conducting an election under this act shall constitute no defense to a prosecution for a violation of its provisions.

§ 20. Whenever a person is arrested on the day of a municipal election in said city, for a violation of the election laws, he shall not be released on bail unless he will, besides giving such bail for his appearance, also give bond in the penalty of five hundred dollars, with two good and sufficient sureties, that he will not commit any breach of the election laws thereafter, either on that day or during the counting and return of the vote cast on such day; and in default of giving such bail and bond, he shall be committed until released by due process of law.

§ 21. Any candidate who gives, offers or promises

Candidates shall  
not offer bribe.

to give to any voter any money or other thing of value to obtain his vote, or to prevent him from voting, whether he thereby obtained the desired result or not, and any candidate who procures, requests or knowingly permits any agent or friend or other person on his behalf thus to give, offer or promise to give money or other thing of value to any voter to obtain his vote, or to prevent him from voting, whether the desired result is obtained or not, or who has hired or otherwise induced or encouraged any election officer to commit any unlawful act, or has hired, or induced or encouraged any person to commit any act of violence at or near the polls on election day, shall be deemed to have committed corrupt practices within the meaning of this act. If any candidate thus guilty be returned as elected, his election shall be declared void upon a contest, the facts constituting such corrupt practices being alleged and proved against him; and he may be examined as a witness against himself, as in actions by ordinary proceedings. But any candidate whose election is thus contested, and who shall be so used as a witness, shall not be held criminally responsible for any bribery or similar offense committed by him at or in relation to the same election.

§ 22. The Jefferson Court of Common Pleas and the Louisville Law and Equity Court shall have exclusive jurisdiction of all contests for municipal offices in the city of Louisville, including places in the general council or board of school trustees, in the manner hereinafter prescribed:

Contest.

*First.* A contest on the ground of ineligibility or corrupt practices of the apparently successful candidate, may be set on foot and carried on by any five registered voters of the city by filing a petition stating the grounds of contest, and directing the clerk to issue a summons thereon to said apparently successful candidate. Said summons shall state the grounds



of contest, and direct said apparently successful candidate to appear and answer as in other cases.

*Second.* A contest upon other grounds must be set on foot and carried on in the same manner by the candidate claiming to be entitled to the certificate of election.

*Third.* In either case the sheriff must serve or re- Duty of sher. ff. turn such summons on or before the twentieth day, Sundays included, after the election, which summons and return thereon shall be filed in the clerk's office of said court. In case, however, the sheriff for any reason is unable to serve said summons, he shall, notwithstanding, return the same on said day, and shall state in his return the reason why said summons has not been served, and the contest shall thereupon proceed as if service has been had. In contests under this act fees shall be charged by the officers of the court as in civil actions, and judgment for costs shall be rendered against the unsuccessful party. An alias summons can be issued after the expiration of twenty days from the filing of petition.

§ 23. The contestee's answer must be filed on or before the twentieth day after the service. No further or other pleadings than the petition and the answer shall be allowed. The trial of the contest shall be set by the court for the earliest practicable day. Evidence shall be taken as in ordinary actions. The decisions of such contest shall be final, and no appeal allowed therefrom.

§ 24. When the court trying the contest finds that the apparently successful candidate was, at the time of the election, not eligible, or that he was guilty of corrupt practices at such election, or was not elected, it shall declare the election for the position or office in contest void, and a vacancy shall arise to be filled by a new popular election. Such election shall be held within six weeks thereafter: *Provided*, That if the next regular election occurs within three months and not less than two weeks thereafter, the vacancy

shall be filled at such regular election. The mayor shall, in every case, name by proclamation the day of election, at least twelve days prior thereto.

§ 25. Any five registered voters of the city may, in like manner, contest the result of the vote on any municipal question submitted to the people. In that case, the notice of contest, instead of being served by copy, must, within the time above limited, be published in any English daily newspaper in the city of Louisville, and filed in said court, and subsequent proceedings take place as above, except that appeals may be taken in such cases as in other cases involving a similar amount. Any person or corporation interested in the declared result may answer; and should contradictory defences be offered by different persons or corporations, the court shall, on summary hearing, determine which of the parties appearing is most strongly interested in maintaining the declared result, and shall award such party the management of the defence of the contest.

Companies shall  
not corrupt  
voters.

*First.* When the people are called upon to vote on any tax or loan or indorsement in aid of any railroad company or corporation, the expenditure of any money by such company or corporation, or officers or stockholders thereof, whether officially or in their individual capacity, with a view to influence the result of the vote, shall be considered a corrupt practice within the meaning of this act, and shall render the result in favor of such tax, loan or indorsement void, so to be declared upon contest as hereinbefore provided for. The directors or officers or stockholders of the corporation or company may be examined in such contest like other witnesses; but any person so examined shall not thereafter be held criminally responsible for any bribery or similar offense committed at or with a view to such election.

§ 26. This act shall go into effect from and after its passage.

Approved February 27, 1890.

## CHAPTER 267.

AN ACT to repeal an act, entitled "An act to prohibit the sale of intoxicating liquors in Caldwell county, and providing for a vote on same," approved May eighteenth, one thousand eight hundred and eighty-six.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to prohibit the sale of intoxicating liquors in Caldwell county, and providing for a vote on same," approved May eighteenth, one thousand eight hundred and eighty-six, and adopted by a vote of the people of Caldwell county at an election held in said county on the Tuesday after the first Monday in November, one thousand eight hundred and eighty-six, be, and the same is hereby, repealed.

§ 2. That before the foregoing section of this act shall take effect or be in force, there shall be an election held in said county on tenth day of May, one thousand eight hundred and ninety, to take again the sense of the voters of Caldwell county upon the question as to whether the prohibitory law now in force in Caldwell county, as described in the foregoing section, shall be repealed or remain in force, and for that purpose there shall be opened a poll at each and all of the voting-places in each and all of the voting precincts in said county, on the tenth day of May, one thousand eight hundred and ninety, and that the officers who held the regular election at the various voting-places in said county on the first Monday in August, one thousand eight hundred and eighty-nine, shall hold the election provided for herein; but in the absence of or failure of any of said officers to act, other voters may be selected or appointed to act in his or their stead as now provided by law; the judge of the Caldwell County Court shall appoint the necessary offi-

cers to hold said election at any voting-place in said county established since August in one thousand eight hundred and eighty-nine. That it shall be the duty of the clerk of the Caldwell County Court to furnish and prepare a poll-book for each of the voting places in said county; and each of said poll-books shall have two separate columns for the registration of the votes cast at said election. One of said columns shall have a printed or written heading thereon containing these words: "For the repeal of the prohibitory law now in force in Caldwell county, approved May eighteenth, one thousand eight hundred and eighty-six;" and those voting for the repeal of said law at said election shall have their votes recorded in said column by the clerk recording the votes given at said election upon said question as above stated. The other column shall have printed or written at its head these words: "Against the repeal of the said prohibitory law, now in force in Caldwell county, approved May eighteenth, one thousand eight hundred and eighty-six;" and those voting against the repeal of the said law shall have their votes recorded in said other column by said clerk of said election. The officers holding said election in each precinct and place of voting shall ascertain the result in each precinct or place of voting, and certify the same as now provided for by law in holding a general election for county officers in said county, showing how many votes for and how many votes against the repeal of said prohibitory law; and the sheriff, or other officer acting as sheriff at each voting-place, shall return and deposit the poll-book with the county court clerk within the time and manner now provided by law for the election of county officers; and the officers whose duty it is to correct, examine and compare the poll-books in said county for the election of county officers, shall, in the manner and form and within the time now required by law for said county officers, count and ascertain the votes cast on said tenth day

of May, one thousand eight hundred and ninety, upon said question, and make a certificate duly authenticated, showing the result of said election, and showing the number of legal votes cast for and against the repeal of said prohibitory law; and it shall be the duty of said county judge, or the person acting in his stead, to at once cause said certificate to be entered and recorded in the order-book of the Caldwell County Court; and if it shall appear from said certificate that a majority of the legal voters voting at said election voted in favor of the repeal of said prohibitory law, then said prohibitory law, as above described, and any and all other prohibitory or local option laws in Caldwell county, shall stand repealed as provided in the first section of this act; and it shall then be the duty of the judge of the Caldwell County Court to grant and issue license in said county for the sale of spirituous, vinous and malt liquors therein, when the applicant or applicants comply with the law now in force as provided by the General Statutes of Kentucky, the same as if no prohibitory law had ever been in force in Caldwell county.

§ 3. That it shall be the duty of the sheriff of Caldwell county to have this act printed in handbill form, and to post a copy thereof in at least two separate and conspicuous places in each voting precinct in said county, for at least ten days next preceding said election, to be held on the tenth day of May, one thousand eight hundred and ninety.

§ 4. That upon the failure of the clerk of the Caldwell County Court, or the sheriff of said county, to perform the duties required of them by this act, each one so offending by such failure shall be fined not less than one hundred dollars nor more than three hundred dollars, to be recovered by indictment before the Caldwell Circuit Court; and that any other officer of said election or comparing board failing to perform

his or their duty, shall be fined as now provided by law for the general county elections of said county.

§ 5. That the expenses incurred in providing for and holding the aforesaid election shall be paid by the county of Caldwell as elections for county officers are paid.

§ 6. That if a majority of legal voters voting at said election, as provided in the second section of this act, shall vote against the repeal of the said prohibitory law, then said election and this act shall be void and of no effect.

§ 7. Any ten or more legal voters of the county may institute and prosecute a contest as to said election, notice of which shall be executed on the county judge or county attorney of said county. And so far as may be, the contest shall be governed by existing laws in regard to contest of election for county officers, and appeal may be prosecuted as in such cases. For purpose of such appeal any two or more voters of the county may before, at, or within five days after their decision, enter themselves on the record of the contesting board as contestees, they and the persons instituting and prosecuting the contest becoming liable for costs as in other cases of "contest."

§ 8. This act shall take effect from and after its passage.

Approved March 1, 1890.

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## CHAPTER 268.

AN ACT to incorporate the Middlesborough Belt Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That M. C. Alford, Alex. A. Arthur, Frank Watts, John B. Cary and J. M. Wilson, their associates, successors and assigns, who may become

Incorporators.

stockholders, be, and they are hereby, created a body-politic and corporate, by the name of the Middlesborough Belt Railroad Company; and by that name shall have perpetual succession, and be capable of suing and being sued; may have a common seal, and alter the same at pleasure; may have power to contract and be contracted with, and acquire, hold and transfer real and personal property, and do any and every thing necessary, proper and convenient to be done to carry out the purposes of the corporation as completely as a natural person may do.

§ 2. The capital stock of said company may be Capital stock. any amount not exceeding one million dollars, to be divided into shares of fifty dollars each, which capital stock may be increased from time to time, by a vote of the stockholders, to any amount not to exceed twenty-five thousand dollars a mile for each mile of road built. Individuals, railroad companies and other corporations, either in or out of this State, are authorized to subscribe for and hold stock in this company. The Middlesborough Belt Railroad Company is likewise authorized to subscribe for stock in any railroad or other corporation in this State.

§ 3. The incorporators named in the first section, or Incorporators to act. such of them as may act, shall constitute the first board of directors, and whenever four hundred shares, twenty thousand dollars, of the capital stock of the said corporation shall have been subscribed for, they may organize this corporation and serve as such directors until their successors are duly elected and qualified. The said board of directors, or a majority of them, shall meet at such time and place as they may agree upon, and from their own number, or from such persons as they may associate with themselves, choose a president and such other officers and agents as they may deem necessary. They shall have power to adopt such by-laws, not inconsistent with the general laws of this State, for the government of the company, its officers, agents and employees, in the general conduct

and management of the business of the company as they may deem advisable and proper, and may alter, amend and repeal the same at will, subject to the right of the stockholders at any meeting to make, alter, amend or repeal any by-laws.

By-laws.

§ 4. The by-laws shall provide for an annual election of a board of directors, consisting of not less than five nor more than nine in number, who shall be stockholders of the company, and fix the time and place and determine the manner of the first and succeeding election of directors. The directors shall severally hold their office for one year, and until their successors are elected and qualified. The by-laws shall provide for annual and extraordinary meetings of the stockholders, at which meetings each stockholder shall be entitled to one vote for each share of stock held by him; and such votes may be cast in person or by written proxy.

Subscription books.

§ 5. The directors may open stock books for subscriptions to the capital stock of the company at such time and place and for such length of time as they may deem necessary. The capital stock of the company is declared to be personal property, and may be issued, certified, transferred and registered in such manner and at such place as may be provided by the board of directors.

Powers.

§ 6. The Middlesborough Belt Railroad Company is hereby authorized and empowered to locate, construct, maintain and operate, as a common carrier, a single or double track railroad, with such telegraph lines as it may deem necessary, on a strip of land not exceeding one hundred feet in width, from any point on Yellow creek, in Bell county, and thence around the valley of said creek, so as to make a belt road around the city of Middlesborough, or encircle the same; and may extend its line from any point on said belt road into or across the city of Middlesborough, the consent of the city authorities being first obtained, or to any point on the Virginia or Tennessee lines adjoining the



county of Bell ; and may construct spur lines or coal or mineral roads from said belt road to any point in the counties of Bell, Knox, Whitley, Leslie or Harlan. It is also authorized and empowered to construct and operate such side-tracks, switches and turnouts, and to construct such engine-houses, depots and other buildings or structures of any kind whatever ; and to build, purchase or lease such rolling stock, engines, cars, machinery, tools, appliances and other things that said corporation may deem necessary or proper for the prosecution of its business.

§ 7. The company may acquire and receive by donation, purchase or otherwise, all land necessary or proper for its road-bed, side-tracks, depots and warehouses and other legitimate corporate purposes, and also all materials necessary or proper for the construction and maintenance of the railroad and its appurtenances. If such lands or materials can not be procured through voluntary agreement with the owners thereof, said company may have the same condemned and pay therefor in the manner now provided by law for condemnation proceedings by railroad companies. May acquire property.

§ 8. The said railroad company may connect its lines with the lines of any railroad now built or that may hereafter be built in this State within the counties above named ; and may cross at grade or over or under any other railroad or highway in this State, and may purchase and hold any connecting roads in this State or elsewhere, or may consolidate with any railroad company in or out of this State, upon such conditions as may be agreed upon ; or may lease and operate any railroad connecting with the railroad of this company or its branches, and upon such terms as may be agreed upon between the companies so connecting or consolidating ; and for such purpose continual power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection, by lease or May connect with other lines.

otherwise; and this company may also sell its railroad and the franchises appertaining thereto, or lease the same.

May sell bonds. § 9. The Middlesborough Belt Railroad Company, in order to raise means for the construction, equipment and operation of its railroad, may issue and sell bonds of said company of the denomination of one thousand dollars each, to an amount not exceeding twenty-five thousand dollars for each mile of railroad built, constructed, operated or owned in this State, bearing not exceeding six per centum per annum, interest payable semi-annually, with coupons attached, to be made payable as said company may direct, not exceeding fifty years from the date of their issue, and secure the payment of the principal and interest thereof by mortgage or deed of trust conveying said railroad and other property and franchises of said company to a trustee or trustees, with such covenants and stipulations as may be deemed expedient to effect the purpose and object of its execution.

May contract for construction. § 10. The said company may make contracts with any corporation, company, individual or individuals, for constructing or equipping its railroad or branches, or any part thereof, and may pay for the same wholly or partially in the stock, bonds, or other property of this company, in such manner and upon such conditions as may be deemed best for its interests.

May receive donations. § 11. It shall be lawful for the corporate authorities of any incorporated city or town through which said railroad, or any of its branches, shall be located, to donate or to lease or sell to said railroad company, as right of way, the right to lay said railroad track through such city or town, or any portion of the same, through any street or highway that this company shall select for that purpose.

May fix rates. § 12. The said company shall have the power to establish such rates of toll for the conveyance of persons and property on its railroad and branches, not exceeding the rates charged by other railroads in

this State, or which may be established by general law regulating the charges of freight and passage on railroads in this Commonwealth.

§ 13. Said company shall make a preliminary survey of its said belt road within one year from the approval of this act, and shall commence the work of construction, within two years of said date, and shall complete said road at a rate of not less than ten miles per year until wholly completed; and a failure in any of these respects shall operate as a forfeiture of the rights and franchises hereby granted on the uncompleted section of the road; but this forfeiture shall not apply as to any branch of said belt road or spur line, or coal or mineral road connecting therewith: *Provided*, That work on the same be commenced within three years, and completed within five years from the passage of this act. May make survey.

§ 14. This act shall take effect and be in force from and after its passage.

Approved March 1, 1890.

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## CHAPTER 269.

AN ACT to amend the charter of the Big Stoner Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That in view of the fact that the Big Stoner Turnpike Road Company has been compelled to erect an expensive bridge across Stoner creek, in Clark county, and has a turnpike road six and a half miles long, said company shall be, and is hereby, authorized to charge and collect tolls on said road as at present constructed, as if said road were seven miles and a half long, and as at a gate and a half; and may erect another gate on same, and charge toll thereat in pro-

portion to distance traveled or used, counting said bridge, either way, as one-fifth of a gate or mile in distance.

§ 2. This act shall be in force from and after its passage.

Approved March 1, 1890.

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## CHAPTER 270.

AN ACT to incorporate the "State Executive Committee of the Young Men's Christian Associations" of the State of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Incorporation.

§ 1. James Edward Hardy, chairman, of Louisville; Junius Caldwell, Jr., of Louisville; E. S. Chipley, of Louisville; John L. Wheat, of Louisville; G. H. Mourning, of Louisville; John W. McGee, of Louisville; Hal. T. Jefferson, of Louisville; G. H. Simmons, of Louisville; Richard P. Ernst, of Covington; Rev. E. H. Pearce, of Danville; Prof. H. B. McClellan, of Lexington; Prof. J. D. Smith, Jr., of Paducah; Dr. W. B. Logan, of Winchester; Prof. J. J. Rucker, of Georgetown, and Prof. L. B. Dodge, of Berea, being the persons who now constitute the State Executive Committee of the Young Men's Christian Associations of the State of Kentucky, and their associates and successors in office, are hereby constituted a body-corporate and politic, with the general powers, privileges and liabilities of corporations, by the name of the "State Executive Committee of the Young Men's Christian Associations of the State of Kentucky," for the purpose of establishing and assisting Young Men's Christian Associations, and generally to promote the spiritual, intellectual, physical and social well-being of young men, in accordance with the aims and methods of Young Men's Christian

Associations of the State of Kentucky and other States.

§ 2. The management and disposition of the affairs of said corporation shall be vested in a committee Executive committee composed of the individuals named in the first section of this act as incorporators, and their associates and successors in office, chosen at the annual meetings of the Young Men's Christian Associations of the State of Kentucky, who shall hold their office until their successors are elected and qualify. If any vacancy shall occur during the interim of the said annual meetings, it shall be filled by a majority of the votes of the remaining members of the committee. Said committee may elect a recording secretary and treasurer, a State secretary, trustees, and such other officers and agents as they may deem necessary to carry out the purposes of said corporation.

§ 3. The said corporation shall be in law capable of Powers. taking, receiving and holding absolutely, and also in trust for its general uses and purposes, and for any particular department of its work, and for any particular association, by gift, devise, bequest, grant or purchase, real and personal property, and of letting, leasing, selling and conveying the same, and shall also have the power to issue bonds and secure the same by mortgages upon its real estate and its improvements. The real estate of this corporation shall not be liable for any debt or obligation of the corporation, unless the same shall have been contracted with the approval of the board of trustees. Said corporation shall have perpetual succession; may sue and be sued by the corporate name; may have a common seal, and alter the same at pleasure; may make contracts, acquire and convey property, possessing the same powers in such respects as private individuals now enjoy.

§ 4. The said corporation shall have the power to Constitution and by-laws. make and adopt a constitution, by-laws, rules and regulations for the government of its business, the

management of its affairs, the choice, powers and duties of its officers and agents, and from time to time to repeal or alter such constitution, by-laws, rules and regulations.

Board of trustees.

§ 5. All real property, which shall be given to or acquired by this corporation absolutely, and all gifts and bequests of money or other property to be held in trust, shall be managed by a board of five trustees, and of which board the chairman of said State Executive Committee shall be a member by virtue of his office, and the State Executive Committee shall elect the other four. The chairman of said Executive Committee, Jas. Edward Hardy and John L. Wheat, G. H. Mourning, John W. McGee and Junius Caldwell, Jr., are hereby created such board of trustees; and whenever a vacancy occurs in the said board of trustees, the same shall be filled by said State Executive Committee. The income which the said board of trustees shall receive from the property under its management, and the said property, shall be devoted to the purposes of this act, and for no other purpose; and so long as the State Executive Committee shall so expend the same, the income of the property so managed by said board of trustees shall be paid over to the treasurer of said State Executive Committee; and the board of trustees shall make annual reports of all their acts and accounts to the State Executive Committee.

Authority.

§ 6. The State Executive Committee shall have exclusive authority to call the annual meetings of the Young Men's Christian Associations of the State, and to determine the time and place of such meetings. Each duly authorized association of the State, represented at such annual meetings by properly accredited delegate or delegates, shall have, for every twenty persons composing its membership, one vote in electing the State Executive Committee.

§ 7. This act shall take effect at its passage.

Approved March 1, 1890.

## CHAPTER 271.

AN ACT to incorporate the Louisville Southeastern Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That George W. Swearigen, W. B. Hoke, Denis Long, James B. Camp, and George Long, of the city of Louisville, G. W. Scoggin, Dr. J. A. Hays and Thos. H. Thixton, of the county of Jefferson, F. O. Carrithers, John T. Lux and J. Douglas Wright, of the county of Bullitt, are hereby incorporated under the name and style of "The Louisville Southeastern Railroad Company," and by that name may contract and be contracted with, sue and be sued, purchase, own, hold and sell real estate and personal property, and adopt and use a common seal, and alter the same at pleasure. Incorporation.

§ 2. The business of said company shall be the construction and operation of a line of railway for conveyance of passengers and freight, with single or double tracks, to be propelled by either electricity or steam or both, from the city of Louisville, or near Louisville, through the counties of Jefferson and Bullitt, near the town of Mt. Washington, and on to Smithville, in Bullitt county, Kentucky, together with the lines of telegraph and all appendages necessary and usual in the construction and operation of a railway. Powers.

§ 3. The business of said company shall be managed and controlled by a board of not less than seven or more than eleven directors, who shall be elected by the stockholders of said company. Said board shall choose from its members a president and vice-president, and also elect a secretary and treasurer, and shall have power to adopt all necessary by-laws for the transaction of its business. Board of directors.

§ 4. The authorized capital stock of said company Capital stock.

Election.

shall be one million five hundred thousand dollars, divided into shares of one hundred dollars each, and said directors shall fix the manner and form of issuing and transferring of said stock. The incorporators hereto shall have the right to open books for the subscriptions of stock at such time and place as they may desire, and close and reopen the same at pleasure. Said incorporators, or such of them as may choose to act, may meet as early as convenient and elect a president, vice-president, secretary and treasurer, and such other officers as they may need to serve until the first Tuesday in June, one thousand eight hundred and ninety-one, or until their successors are elected and qualified; and the incorporators or board may fill vacancies if any shall occur.

Bonds.

§ 5. The said Louisville Southeastern Railroad Company, in order to raise means for the construction, equipment and operation of its railroad, may issue and sell bonds of said company in an amount not exceeding one million five hundred thousand dollars; said bonds shall bear interest at a rate to be fixed by the board of directors. To secure the payment of said bonds and interest, the company may execute and deliver mortgages or deeds of trust, conveying all its property, real and personal, including its railway, telegraph line and franchises.

Powers.

§ 6. The said Louisville Southeastern Railroad Company is hereby authorized and empowered to locate, construct, maintain and operate a line of railway by electricity or steam, with single or double tracks, including a line of telegraph, from a point in or near the city of Louisville, through the counties of Jefferson and Bullitt to the town of Mt. Washington, and on to Smithville, and for that purpose it may acquire by purchase, gift or donation, the right of way to so much land, not exceeding one hundred feet in width, as may be necessary to construct, complete and operate the said line of railroad: *Provided, however,* That if they can not agree with the owners of said land as



to the value of the same, or if the owner of the said land be a *feme covert*, minor, or non-resident, or a person *non compos mentis*, the said railroad company may proceed to condemn the same in the manner provided by an act, entitled "An act to prescribe a mode of condemning lands for the use of railway and turnpike companies," approved April eleventh, one thousand eight hundred and eighty-two.

§ 7. The said Louisville Southeastern Railroad Company may have the right to purchase ground for a park or summer resort, or build and operate a hotel, at any place on or near the line of its railroad, and for the purpose of constructing and maintaining said line of railroad may occupy or use any turnpike, county road, street or other public way or ground, or any part thereof, upon such terms and conditions as may be agreed upon between said company and the municipal or other corporations, persons or public authorities, owning or having charge thereof. May purchase property.

§ 8. The said incorporators, or such of them as may act, or said officers and directors of said company, or such of them as may be authorized to act, have the power and may issue non-assessable paid-up stock in the purchase of any land or right of way, or for any services to, or work done to or for, or for any property bought by said company. May issue stock.

§ 9. Said board of directors shall fix the mode and manner of subscribing for stock and paying subscriptions for same, and how much stock a director shall own to be eligible as a director. They shall make such by-laws, rules and so forth as may be necessary for the management and government of its affairs, and fix the salary of its officers and fill vacancies in the board. By laws.

§ 10. The principal office of said company shall be in the city of Louisville, Kentucky. Office.

§ 11. The annual election of the board of directors of said company shall be held at the office of the company on the first Tuesday in June, one thousand Election.

eight hundred and ninety-one, and on the same day every year thereafter; but the incorporators or their successors shall be the directors until the first Tuesday in June, one thousand eight hundred and ninety-one. Every stockholder shall be entitled to one vote for every share of stock owned by him or her, and may vote in person or by proxy.

§ 12. The said company shall commence work within two years from the passage of this act, and complete same within five years from said date.

§ 13. Neither the incorporators nor the officers or stockholders of the company shall be personally liable for the debts of the corporation.

§ 14. This act shall take effect and be in force from and after its passage.

Approved March 1, 1890.

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## CHAPTER 272.

AN ACT to prevent trespassing on lands in Jessamine county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person or persons, in the county of Jessamine, to enter upon the premises or lands of another for the purpose of hunting, with gun or dogs, without having first obtained of the owner or occupant of said land or premises permission so to do.

§ 2. Any person so offending shall be guilty of a misdemeanor, and, upon conviction in any court of competent jurisdiction in said county, shall be fined not less than twenty-five nor more than fifty dollars.

§ 3. This act shall take effect from and after its passage.

Approved March 1, 1890.

## CHAPTER 273.

AN ACT to incorporate the "Fayette Land Company," of Fayette county, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That J. B. Simrall, George H. Whitney, Incorporators. Shelby Kinkead, E. S. Kinkead, Joseph LeCompte, E. M. Norwood J. P. Scott, Thomas L. Martin, W. J. Loughridge and Joseph H. Bohon, and their associates, successors and assigns, be, and they are hereby, created a body-politic and corporate, under the name and style of the "Fayette Land Company;" and under and by that name they and their associates and successors shall have the right of perpetual succession, together with the right to have and use a common seal, and to alter the same at pleasure; the right to sue and be sued in its corporate name; and in its corporate name to make contracts, acquire, sell, convey and transfer real and personal property and choses in action; and in these respects to possess all the rights, powers and privileges that natural persons enjoy under the laws of the land.

§ 2. The private and individual property of the stockholders and members of the corporation shall be exempt from all liability for the corporate debts.

§ 3. The affairs and business of the corporation shall be managed and conducted by a board of five directors, to be elected annually by the stockholders from among their number; and the officers of the corporation shall consist of a president, vice-president, secretary and treasurer, to be elected annually by the board of directors from among their number; but the offices of president and treasurer, or secretary and treasurer, may be held by one person at the same time. The annual election for directors and officers shall be held on the first Monday in February in each year; and the directors and officers elected shall hold Conduct of affairs.

their offices for one year, and until their successors are elected and qualified. A majority of the stock and of the directors shall constitute a quorum for the transaction of any business at a stockholders' or directors' meeting, and each share of stock may cast one vote at any stockholders' meeting.

Capital stock. § 4. The capital stock of the corporation may be in any sum that may be fixed by the stockholders, not to exceed the sum of one hundred and fifty thousand dollars (\$150,000), but, within that limit, the stockholders may, at any time, increase or decrease the capital stock of the company; not, however, to interfere in any way with the creditors of the company. The stock shall be divided into shares of one hundred dollars (\$100) each, transferable only on the books of the company as the by-laws may prescribe. No stock may be sold or transferred without the owner thereof first giving to the then members of the company an opportunity to purchase the same; the stock in said company may be subscribed for and paid for in such manner as the by-laws of said company may prescribe.

Nature of business. § 5. The business of said company shall be the dealing in lands and lots, and all other real estate within the State of Kentucky, and within any of the States of the United States of America, with the right to invest in such real estate, improve the same in any way deemed advisable by them, and sell and convey same in parcels or as a whole; and, as incidental to these ends, to do any and every thing expedient to the successful prosecution of the business for which said company is organized.

Place of business. § 6. The principal office and place of business of said corporation shall be in the city of Lexington, county of Fayette, and State of Kentucky, but the same may be changed by the order of the board of directors; and said corporation may, by its board of directors, establish offices for the transaction of its business at such other places, either within or without

the State of Kentucky, as may, by said board of directors, from time to time, be deemed for the best interest of said company; and any business of said company may be transacted at such office or offices so established as at the principal office of said company. And said directors may, in their discretion, appoint agents for the transaction of their business in any of the States of the United States of America, and authorize legal summons and process of law to be served upon them in such other States of the Union, to have the same effect in law as if served or executed upon the chief or principal officers of said company residing in the State of Kentucky, and thereby to place said corporation within the legal jurisdiction of the courts of such other States.

§ 7. Said corporation may receive, buy, hold and <sup>May hold real estate.</sup> sell such real estate within or without this State, and such personal property and estate as may be deemed necessary by the company for the successful prosecution of their business; and said company may borrow money on such terms, and secure the same by mortgage upon their real estate or otherwise, as may be determined on by the board of directors; but no banking privileges are granted to the corporation.

§ 8. The corporation, through its stockholders, may <sup>May make by-laws.</sup> make all necessary by-laws for the government of its officers and transaction of its business, and alter and amend the same as may be necessary; said by-laws not to be in conflict with the laws of this State or any of the United States, and by such by-laws it may fix the compensation of the officers and their duties.

§ 9. That J. B. Simrall, George H. Whitney, Joseph <sup>First board.</sup> LeCompte, Shelby Kinkead and Thomas L. Martin, five of the corporators named in the first section of this act, shall constitute and be the first board of directors of said company, to act as such until the regular annual meeting of the stockholders.

§ 10. This act shall be in force from and after its passage.

Approved March 1, 1890.

## CHAPTER 274.

AN ACT for the benefit of common school district number fifteen,  
Bracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of common school district number fifteen, of Bracken county, be, and they are, authorized and empowered to buy, in conjunction with Fairview Lodge number two hundred and seventy-six, Independent Order of Odd Fellows, a lot of ground on the lands of Ellen Nangle, in the town of Johnsville, in said county.

§ 2. That said trustees of said district and said lodge of Odd Fellows shall be authorized to build a house on said lot, about sixty feet long and twenty-six feet wide, of two stories. The first story to be twelve feet and the second story to be ten feet in the clear. The foundation and the first story to be built by the trustees of said district, and to be owned and for the exclusive use of said common school district, and under the control of the trustees thereof. And the second story, with the roof, to be built by, owned and for the exclusive use, and controlled by, said lodge number two hundred and seventy-six, Independent Order of Odd Fellows.

§ 3. That the said lodge shall have the privilege of building and controlling, for their exclusive use, a stairway in one end of said building, and when the house is built the said lodge and the trustees of said district shall make and keep in repair that portion of said building owned and used by them respectively.

§ 4. This act shall take effect from its passage.

Approved March 1, 1890.

## CHAPTER 275.

AN ACT to change and make legal the spelling of the name Daviees, of Daviess county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That from and after the passage of this act it shall be proper, correct and legal to spell the name Daviees, of Daviess county, Daveiss.

§ 2. This act shall take effect from and after its passage.

Approved March 1, 1890.

## CHAPTER 276.

AN ACT to amend chapter one thousand four hundred and sixty-seven of the acts of one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four, approved May twelfth, one thousand eight hundred and eighty-four, authorizing the county court at its county court of claims to levy an ad valorem tax and fix the county levy in Russell county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to authorize the county court at its court of claims to levy an ad valorem tax and fix the county levy in Russell county," approved May twelfth, one thousand eight hundred and eighty-four, be, and the same is hereby, amended as follows: That the court of claims for Russell county, at the October term thereof, one thousand eight hundred and ninety, be, and they are hereby, authorized to increase the poll-tax of said county in addition to the present poll-tax twenty-five cents on each poll, and the ad valorem tax ten cents in addition to the present ad valorem tax for county purposes. This additional assessment to be collected only on the assessment as of the fifteenth of Septem-

ber, one thousand eight hundred and ninety, after which the act to which this is an amendment shall be in force, and govern the levy and collection of tax for county purposes in Russell county.

§ 2. This act to be in force from and after its passage.

Approved March 1, 1890.

## CHAPTER 277.

AN ACT to incorporate the town of Bandana, in Ballard county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the town of Bandana, in Ballard county, be, and the same is hereby, incorporated, with the several streets and alleys and the lots as respectively laid out, or that may hereafter be laid out by proper authority.

Corporate limits. § 2. The corporate limits of said town shall be as follows, namely : Beginning at the center of the crossing of Ohio and Mississippi streets ; thence east with Mississippi street six hundred yards to a stake ; thence from said crossing west with Mississippi street six hundred yards to a stake ; thence from said crossing north with Ohio street six hundred yards to a stake ; thence from said crossing south with Ohio street six hundred yards to a stake, including all within said boundary.

Trustees. § 3. That W. H. Bradley, G. S. Myres, C. R. Fortson, J. S. Peal and R. H. Jett, be, and they are hereby, appointed trustees of said town. They shall, at their first meeting under this act, select one of their number as chairman, and a majority shall constitute a quorum to transact business. They shall remain in office until the first Saturday in June, one thousand eight hundred and ninety ; and upon that Election. day, and upon the first Saturday in June in each year



thereafter, the citizens of said town entitled to vote for Representatives to the General Assembly shall meet at such place as shall have been designated by the trustees of said town, and choose by their votes five persons residing in said town as trustees of said town for one year, and until their successors are duly elected and qualified.

§ 4. That said trustees and their successors in office are hereby created a body-politic and corporate, and by the name of the "Trustees of Bandana;" and in that name to sue and be sued, and contract and be contracted with. They shall have power to enact ordinances and by-laws for the government of said town not inconsistent with the Constitution and laws of this State or of the United States; to levy a tax on the property, real and personal, in said town not exceeding in any one year fifty cents on each hundred dollars' worth thereof; to appoint an assessor to value and list said property, and the marshal shall be collector of said tax. The money thus raised, and all other money belonging to said town, shall be applied as the trustees may order for the benefit of said town. The trustees may also levy a poll-tax not exceeding one dollar on each poll in said town.

Incorporated as  
board of trustees.

§ 5. The marshal shall collect all taxes levied in said town, and for that purpose he is hereby given the same power to levy and sell property that is now by law given to the sheriffs in collecting the revenue due the State. He shall execute a bond to the "Trustees of Bandana," with security to be approved and accepted by said trustees, and preserved as a record of the town. Any person or the town aggrieved by any breach of said bond, or any failure upon the part of the marshal to perform his official duties, may maintain an action upon said bond for damages. The trustees may make him a reasonable compensation for his services.

Duty of marshal.

§ 6. E. W. McElya is hereby appointed marshal,

and he shall hold his office until the first Saturday in June, one thousand eight hundred and ninety, and upon that day, and upon the first Saturday of June in every second year thereafter, the citizens of said town who are qualified to vote for Representative to the General Assembly shall select by their votes one of their own number to the office of marshal, who shall hold his office until his successor is elected and qualified.

Election of marshal.

§ 7. The marshal of said town is hereby given all the powers of a constable, and is authorized to execute any and all process which a constable may execute, and shall be allowed to charge the same fees for such services: *Provided, however,* That before he shall exercise the functions of a constable he shall execute a bond in the Ballard County Court similar to that required of constables, and shall take in said court the oath which is now required by law of a constable.

Powers of marshal.

§ 8. G. M. Holman is hereby appointed to the office of police judge of said town, who shall hold his office until the first Saturday in June, one thousand eight hundred and ninety, upon which day, and on the first Saturday of June in every fourth year thereafter, the citizens of said town entitled to vote for Representatives to the General Assembly shall, by their votes, elect one of their own number to said office, who shall hold for four years. and until his successor shall be elected and qualified. The said police judge is hereby invested with the same jurisdiction in penal and criminal cases as is now by law given to justices of the peace; and he shall have exclusive jurisdiction of all cases arising under the ordinances of said town.

Police judge.

§ 9. The trustees of said town shall, by order made at least twenty days before any election held under this charter, designate the place in said town at which the election is to be held; and shall give notice thereof for fifteen days before the election by posting two or more copies of said order in said town. The trus-

Place of election.

tees shall also name the officers of said election. The poll-books of all elections held under this act shall be returned to the chairman of the board of trustees, who shall compare the same and declare the result, and issue a certificate of election to the person having the highest number of votes; but if the chairman be a candidate, then the trustees, by order, shall name some one whose duty it shall be to compare the polls and declare the result.

§ 10. If a vacancy shall occur on the board of trustees, or in the office of marshal or police judge, then the remaining trustees shall fill same by an appointment until the next regular election: *Provided*, That if the vacancy shall be in the office of police judge, and more than one year of the term is to come, then the vacancy shall be filled by an election to be ordered by the trustees.

§ 11. If, at any time, the police judge is absent from the town, or can not properly preside in any case, then the chairman of the board of trustees shall have authority to discharge the duties incumbent upon the police judge as fully as the judge might.

§ 12. All taxes assessed under this charter shall be due at such time as the board of trustees shall fix.

§ 13. This act shall take effect from and after its passage.

Approved March 1, 1890.

## CHAPTER 278.

AN ACT to amend section eight, chapter four hundred and fifty-seven, acts of one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four, incorporating the town of Olive Hill.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section eight of chapter four hundred and fifty-seven be amended by striking out the fol-

lowing words in lines nine and ten, namely: "Where the process is served within the limits of the town," and inserting in lieu thereof the words: "If the defendant, or either of the defendants, reside in magisterial district number three, in Carter county."

§ 2. That this act shall take effect and be in force from and after its passage.

Approved March 3, 1890.

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## CHAPTER 279.

AN ACT to incorporate the Frankfort Masonic Temple Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That J. Buford Hendrick, G. Shaefer, V. Kaltenbrun, U. Keenon, James Nicol, Fayette Hewitt, Jacob Swigert, E. H. Taylor, John W. Pruett, James A. Murray, O. Herancourt, W. S. Dehoney, F. V. Gray, James M. Saffell, A. W. Overton, B. T. Farmer, C. M. Bridgeford, George A. Lewis, David Nicol, and their associates and successors, be, and are hereby, created a body politic and corporate, with power to sue and be sued, contract and be contracted with; have and use a common seal; make by-laws and alter the same, and do all which may be necessary to effect, in a lawful manner, the object for which this corporation is created.

§ 2. That they shall choose a board of six directors, who shall be stockholders under this charter, and who shall elect one of their number president of said board. Of the first board two members shall serve one year, two for two years, and the remaining two for three years.

§ 3. That they shall have power and authority to obtain by gift, purchase or otherwise, a site, and erect thereon a building to be known as the Frankfort Masonic Temple, and for that purpose may issue stock

not exceeding in value ten thousand dollars, and shall have power to issue mortgage bonds, but in no event to incur an indebtedness greater than fifteen thousand dollars.

§ 4. That stock in this company shall be the personal estate of the holder, and pass by assignment in stock-books, to be kept by the corporation, and each share shall entitle the holder to one vote at all meetings of the stockholders. The stockholders shall not be liable beyond the amount of stock held in this company.

§ 5. That whenever the property held by this corporation shall be free from indebtedness, the moneys arising therefrom shall form a widows and orphans' fund, to be used in such manner as the directors may think best for the relief and benefit of the destitute and needy widows and orphans of worthy Masons within the jurisdiction of the lodges at Frankfort.

§ 6. That taxes shall be paid on the capital stock of this corporation at the rate fixed by law upon realty.

§ 7. This act to take effect from and after its passage.

Approved March 8, 1890.

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## CHAPTER 280.

AN ACT to amend the charter of the Evergreen Cemetery Company, of Newport, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the charter of the Evergreen Cemetery Company, of Newport, Kentucky, be so amended as to authorize said company to procure the condemnation of such lands adjacent to its cemetery grounds as may be necessary for its use for cemetery purposes, in the same mode and by similar proceedings in the Campbell County Court as is prescribed for the con-

demnation of lands for the use of railroad and turnpike companies by an act of the General Assembly of this Commonwealth, entitled "An act to prescribe the mode of condemning land for the use of railroad and turnpike companies," approved April eleventh, one thousand eight hundred and eighty-two, with the same right of appeal to either party as is provided for in said act.

§ 2. This act shall take effect from and after its passage.

[Became a law March 3, 1890, without approval of the Governor.]

## CHAPTER 281.

AN ACT to incorporate the "Farmers' Bank of Calloway," Murray  
Kentucky

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That W. L. Whitnell, R. C. Whitnell, B. B. incorporators. Linn and L. O. Linn, and their associates, be, and are hereby, created a corporation and body-politic, by the name and style of the "Farmers' Bank of Calloway;" and by that name may sue and be sued, contract and be contracted with; have a seal, and change it at pleasure.

§ 2. The capital stock of said corporation shall be Capital stock. one hundred thousand dollars, and shall be divided into shares of fifty dollars each.

§ 3. The corporators named in this act may, at such Take subscrip-  
tions. times and places as suits their convenience, receive subscriptions to the capital stock, and when four hundred or more shares have been subscribed and paid in, may organize and proceed to business. Said corporators, or a majority of them, shall constitute the first board of directors, with power to fill original or other vacancies therein.

§ 4. An annual meeting for the election of directors Annual meeting. to serve one year, and until their successors are duly elected and qualified, shall be held at its banking-house on the first Monday in January of each year, and between the hours of ten o'clock ante meridian and two o'clock post meridian, under the direction of three stockholders, who shall have been appointed by the directors for that purpose. At the election the qualified stockholders receiving the highest number of votes shall be declared duly elected directors, each stockholder to have one vote for each share of stock he or she may own, and may cast the same in person or by written proxy. The same rule shall apply to all questions submitted to the stockholders. At the annual meeting the directors shall submit a statement of the condition of the bank. Should an election for directors fail to be held on the day herein designated, the incorporators shall not, from that cause, be dissolved, but any election held after notice having been published in a newspaper published in Murray at least ten days prior to such election, as provided for in the by-laws, shall be deemed valid. No stockholder whose obligation is due and unpaid shall vote at any meeting held by the stockholders, nor be eligible for election as a director. A general meeting of the stockholders may be called at any time by the board of directors, and shall be called by the cashier when thereunto requested, in writing, by stockholders representing one-fourth of the stock subscribed.

§ 5. The board of directors shall consist of not less Board of directors. than five nor more than nine stockholders, at least two-thirds of whom shall be citizens of the State of Kentucky. The board shall elect one of its number Elect officers. president and one vice-president. It shall also elect a cashier and such other officers, clerks, agents or servants as it may deem necessary, fix their salaries, and prescribe their duties. All the officers, agents, clerks, and so forth, of the bank shall hold their office or other position during the pleasure of the board,

**Oath** and shall give bond for their fidelity and good conduct. The directors and all officers of the corporation, before entering upon the duties of their respective office, shall take an oath or solemn affirmation, before some officer authorized to administer oaths, faithfully, honestly, and to the best of their skill and judgment to discharge all the duties of their respective offices under this charter, or which may be required of them by the by-laws and regulations of the corporation. The directors shall hold meetings at least once a month, and shall keep a record of their proceedings. They shall have power to make and change by-laws and rules for the government of the affairs of the corporation. The board may declare vacant the place of any director for gross neglect of duty. Vacancies in the board may be filled by those remaining in office.

**Meetings.**

**Penalties.** § 6. If any director, officer, agent, clerk, or servant of said corporation shall appropriate any of its funds to his own use, or shall willfully fail to make correct entries, or knowingly make a false entry on the books of the corporation, with an intent to cheat or defraud said corporation, or any other corporation or person, or to conceal an improper appropriation of funds, or shall convert to his own use any property, funds, money, or securities of said bank, or any other corporation or person in possession of said bank, shall be deemed guilty of felony, and, upon conviction thereof, shall be confined in the penitentiary of this Commonwealth for a period of not less than one nor more than ten years, and shall be liable to said corporation or party injured in a civil action for damages.

**Defalcation of subscribers.** § 7. If any subscriber to the capital stock shall fail to pay his, her or their calls for thirty days after the same is due, the same, with interest thereon, may be recovered by suit in any court having jurisdiction thereof.

§ 8. Minors and married women may subscribe for



and own stock in said bank as if of full age and un- Deposits from minors.  
married.

§ 9. The business of the bank shall be to receive General business.  
on deposit gold, silver or other coin, bank or United States notes and other currency, and loan out the same; to deal in gold, silver and other coin, notes, stocks, bonds, bill of exchange or other securities of this or any other State, government, corporation or individual, or any other evidence of debt; to receive promissory notes by assignment as security for money loaned; discount and purchase promissory notes and bills of exchange. The bank may issue certificates and letters of credit or deposit, payable throughout the United States or elsewhere, for the convenience of merchants, travelers and others.

§ 10. Said bank shall have power to make advances May make advances and take security.  
on approved securities upon the agricultural, mechanical or other products of the country, merchandise or personal property, and shall have a lien therefor. It may receive warehouse receipts, bills of Take warehouse receipts.  
lading, bonds, stocks, notes, produce and merchandise, in pledge for the security of money loaned, debts owing, or liabilities that may become due to said bank, and sell the same as provided in an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March sixteenth, one thousand eight hundred and seventy-one.

§ 11. Said bank may acquire, hold, use and enjoy Hold property.  
such real property as may be necessary for its use; may purchase and use or sell any real property pledged as security for money loaned, or in satisfaction of any debt due to said bank, or on securities pledged for money loaned: *Provided*, Said bank shall not own any real estate that it may acquire in any manner for a longer period than five years, except such as may be necessary for the transaction of its business.

§ 12. Promissory notes made negotiable and paya- Promissory notes.  
ble at its banking-house, or at any other bank, and

inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the acceptors, drawers and indorsers.

§ 13. This act shall take effect and be in force from and after its passage.

[Became a law March 8, 1890, without approval of the Governor.]

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## CHAPTER 282.

AN ACT for the benefit of J. W. Baird, sheriff of Simpson county, allowing him further time to execute bond.

WHEREAS, J. W. Baird, sheriff of Simpson county, from ignorance of the law requiring him to execute bond for the collection of the revenue and public dues of said county annually, he having executed bond on the first Monday in January, one thousand eight hundred and eighty-nine for the collection of the same for the year one thousand eight hundred and eighty-nine; and whereas, he also, from the same reason, failed to present his quietus to the county court, as required at the December term, one thousand eight hundred and eighty-nine of said county court, he having paid off all his indebtedness on account of said revenue and public dues paid to said county in December, one thousand eight hundred and eighty-nine; and whereas, no collector has been appointed by the county court or any one else to collect said revenue and public dues; therefore

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That J. W. Baird, sheriff of Simpson county, have until the first Monday in March, one thousand eight hundred and ninety, to execute bond for the collection of the revenue and public dues of said

county, which bond, when executed, shall have the same effect and be as valid and binding as if it had been executed on the first Monday in January, one thousand eight hundred and ninety.

§ 2. This act to take effect and be in force from its passage.

[Became a law March 4, 1890, without the approval of the Governor.]

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## CHAPTER 283.

AN ACT for the benefit of the administrator of Thomas D. McCullom.

WHEREAS, It appears that Thomas D. McCullom was a private soldier in Company "C.," First Regiment, Capital Guards, Paducah Battalion, being enlisted in said service on the sixteenth day of August, one thousand eight hundred and sixty-four, and having rendered service as aforesaid until the twenty-first day of January, one thousand eight hundred and sixty-five, when he departed this life; and whereas, it further appears that said McCullom received no compensation for said services; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts draw his warrant on the Treasurer in favor of G. W. McCullom, administrator of Thomas D. McCullom, for the sum of sixty-seven dollars and sixteen cents, being the amount of pay due said Thomas D. McCullom from the State of Kentucky at the time of his death

§ 2. That this act shall take effect from and after its passage.

[Became a law March 4, 1890, without the approval of the Governor.]

## CHAPTER 284.

AN ACT for the benefit of E. W. Lillard, of Lancaster, Garrard county, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer in favor of E. W. Lillard for the sum of twenty-seven dollars, for money collected from him by the sheriff of Garrard county, upon an execution issued against him in favor of the Commonwealth, and collected by said sheriff and paid over to the trustee of the jury fund, and by said trustee to the Treasurer of the State of Kentucky, thereafter, on the eighteenth day of April, one thousand eight hundred and eighty-eight, this entire matter was remitted by the Governor.

§ 2. This act to take effect on and after its passage.  
[Became a law March 4, 1890, without the approval of the Governor.]

## CHAPTER 285.

AN ACT for the benefit of W. W. Taber, of Hancock county.

WHEREAS, On the first day of June, one thousand eight hundred and eighty-nine, an inquest was held before Hon. J. J. Storm, judge of the Hancock county court, and a verdict of a jury found that Murray Green Powers was an idiot and a charge upon the State of Kentucky; and said inquiry, proceedings, verdict and judgment was returned to the Hancock Circuit Court at the last November term thereof, and approved by the court and ordered to be spread on the records of said court; and it appearing from said record that W. W. Taber was appointed by said county judge committee for said idiot, and, from evidence heard, that

said idiot departed this life on the eighth day of September, one thousand eight hundred and eighty-nine, and that the said W. W. Taber had maintained and cared for said idiot from the third day of June up to his death, and that he defrayed the expenses of his interment, it was ordered to be certified to the Auditor of Public Accounts that said committee be allowed for the care of said idiot from the said third day of June, one thousand eight hundred and eighty-nine, to the twenty-eighth day of September, one thousand eight hundred and eighty-nine, at the rate of seventy-five dollars per annum ; and that he also be allowed the sum of ten dollars for expenses incurred about the burial of said idiot ; which said proceedings were certified to the Auditor of Public Accounts, and by him refused to be paid, upon the ground that the proceedings were irregular, and the county judge had no jurisdiction to hold said inquest ; and whereas, the said Taber accepted said committee'ship in good faith, and believing it was regular ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of W. W. Taber for thirty-three dollars and ninety-six cents, payable out of any money in the Treasury not otherwise appropriated, the amount of said claim.

§ 2. This act shall take effect from and after its passage.

[Became a law March 4, 1890, without the approval of the Governor.]

## CHAPTER 286.

AN ACT to amend an act, entitled "An act to reduce into one all the acts in relation to the town of Stanford."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to reduce into one all the acts in relation to the town of Stanford," approved March —, one thousand eight hundred and eighty-two, be, and the same is hereby, amended by striking out from subsection sixteen of section fifteen of article three thereof the word "two," after the word "exceed," and before the word "hundred," and inserting in lieu thereof the words "one thousand nor be less than five."

§ 2. By adding to said subsection sixteen of said section fifteen of said article three an addition of these words as subsection sixteen a, to wit: "Hereafter the city council of Stanford shall have the power and authority to grant license to retail liquors within the limits of said city: *Provided*, That no such license shall be issued to any applicant thereof until he shall have paid to said city the tax of not more than one thousand dollars nor less than five hundred dollars, as provided for by this act; and upon the grant of any license by said council as authorized by this section, the county court of Lincoln county shall grant the State license provided for by the revenue laws of this Commonwealth, upon the State license tax being paid, unless a majority of the legal and qualified voters of the town of Stanford shall protest against the application for license."

§ 3. This act shall take effect from its passage.

Approved March 5, 1890.

## CHAPTER 287.

AN ACT to amend an act, entitled, "An act to allow the citizens of Henry county to vote a tax in aid of turnpike road companies, and to require the commissioner to make annual reports to the county judge, and so forth, in districts numbers two and three, and prescribe penalties for failure."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act to amend an act, entitled "An act to amend an act to allow the citizens of Henry county to vote a tax in aid of turnpike companies in said county," be, and the same is hereby, amended, so that the commissioners shall be, and they are hereby, required to make a report to the county judge on the second Monday in May, one thousand eight hundred and ninety, and annually thereafter on said day, showing the number and amounts of certificates paid off by them, to whom paid, and the number and amounts of unliquidated certificates, by whom held, and such other facts as the court may require.

§ 2. That upon the failure of the commissioners, or either of them, to make such report, they shall be fined not exceeding fifty dollars by the county judge, and be required to make such report by a day to be fixed by the court; and on failure to make the report on the day fixed by the judge, which shall not be less than ten days from said day, he shall be fined not exceeding fifty dollars, and then the judge is authorized to fix days not less than ten days apart, and fine the commissioners in default not less than twenty-five dollars or more than fifty dollars on each of said days until he does make the report.

§ 3. That the county court clerk shall procure a book suitable for that purpose, and register the number, amount, date and the name of the holder of all certificates outstanding, so that persons can tell what each district owes, to whom, and, from the date,

when claim is next to be paid, and so forth, and so forth.

§ 4. He shall mark them paid in their order, and as they are paid.

§ 5. That this act shall only apply to turnpike districts numbers two and three, in Henry county, and take effect from its passage.

Approved March 5, 1890.

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## CHAPTER 288.

AN ACT to amend an act, entitled "An act to incorporate the Richmond, Nicholasville, Irvine and Beattyville Railroad Company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Additional powers.

§ 1. That an act, entitled "An act to incorporate the Richmond, Nicholasville, Irvine and Beattyville Railroad Company," approved March tenth, one thousand eight hundred and eighty-eight, be, and the same is hereby, amended as follows: "Section one. That in addition to the authority which said company now has by its charter to construct and operate a railroad from a point in Woodford county, at or near Versailles, to point at or near Beattyville, on the Kentucky river, it, the Richmond, Nicholasville, Irvine and Beattyville Railroad Company, is hereby authorized and empowered to extend its road from its present terminus, at or near Beattyville, in Lee county, through the counties of Owsley, Perry, Leslie, Letcher, Harlan, Knox and Bell, or any of them, to a point on the Virginia or Tennessee line, and is hereby authorized and empowered to locate, construct, maintain and operate a single or double track railway and telegraph lines between the said points, with such depots, sidings and switches as may be necessary or convenient, and is authorized to acquire and hold all lands necessary for its construction and operation, and may condemn the same under the general laws of this State."



§ 2. The said original act is hereby further amended by striking out the following words at the close of section two, namely: "Chartered by the laws of this State," and by striking from section four the words "or a majority."

§ 3. Except as herein provided, said act incorporating the Richmond, Nicholasville, Irvine and Beattyville Railroad Company, and each and every provision thereof, so far as the same is applicable, is hereby made to apply to the extension herein authorized: *Provided*, That no county shall vote a subscription to said railroad which will exceed the cost of the right of way through the county, and five cents on the one hundred dollars' worth of taxable property of such county at the time the vote is taken as ascertained by the next preceding assessment: *And provided*, That such vote shall not be ordered more than one time: *And provided further*, That no such bonds shall be executed and deposited with any trustee or trust company until such railroad shall be surveyed and located through such county: *And provided further*, That said railroad company shall not receive any bonds from either of the counties named until the railroad is completed to the county seat of said county.

§ 4. This act shall take effect from and after its passage.

Approved March 6, 1890.

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## CHAPTER 290.

AN ACT for the benefit of W. J. Hook, sheriff of Bracken county.

WHEREAS, W. J. Hook, sheriff of Bracken county, inadvertently failed to execute a bonds for the collection of the revenue of said county and of the State revenue for the year one thousand eight hundred and ninety on the first Monday in January, one thousand

eight hundred and ninety, as required by law ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful for the said W. J. Hook, sheriff, to execute said bonds within fifteen days after the passage of this act ; and that said bonds, when executed and approved by the Bracken County Court, shall have the force and effect as if executed on the first Monday in January, as required by law ; and the obligors on said bonds shall, in every way, be bound to the Commonwealth of Kentucky and to the county of Bracken just the same as if said bonds had been executed by them on the first Monday in January, one thousand eight hundred and ninety.

§ 2. This act shall take effect from and after its passage.

Approved March 5, 1890.

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## CHAPTER 291.

AN ACT to create the office of stenographer of the Seventeenth Judicial District.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The office of stenographer of the Seventeenth Judicial District is hereby created. Said officer shall be appointed by the circuit judge of said district, and shall hold his office for four years. His appointment shall be noted of record in each of the circuit courts of said district. Before acting he shall be sworn by said judge to faithfully and impartially discharge the duties of his office. He shall be a resident of said district and a competent stenographer. In every county of said district he shall have all the rights and may exercise the powers of an examiner

thereof, as provided in chapter three of title thirteen of the Civil Code of Practice. He may, by the direction of the court, at the request of the parties to any action or proceeding, civil or criminal, on trial before a jury in any of the circuit courts of said district, take the notes of and reduce to writing any part or all of the testimony of the witnesses testifying orally therein; and said writing, when certified by the judge as true, shall be filed as part of the record in such action or proceeding, without being spread on the order-book. His fees for attendance while taking said notes, or for making said writing, or for both, shall be fixed by the judge and paid by the parties employing him, upon the rendering of the services, and taxed as costs against the parties as other costs: *Provided*, That the sum so fixed shall not exceed one cent for every ten words of said writing, and five dollars per day for every day that he is necessarily employed during the trial in taking notes of said testimony: *And provided further*, That no part of said fees shall be taxed against the Commonwealth.

§ 2. This act shall take effect from and after its passage.

Approved March 5, 1890.

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## CHAPTER 292.

AN ACT to incorporate the Pinnacle Inclined Railway Company, of Middlesborough.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That J. Roe Young, R. A. Mitchell, J. E. Cooper, Harlan C. Turner, Waller Sharp, M. O. Cockrell and R. H. Tomlinson, their associates, successors and assigns, are hereby made a corporation by the name of Pinnacle Inclined Railway Company; and by that name may sue, be sued; have perpetual

succession ; have a common seal ; make contracts, possess and transfer real and personal property, and do whatever act may be necessary for the purposes of said corporation.

Capital stock.

§ 2. The capital stock of this corporation shall consist of five hundred shares of one hundred dollars each ; which stock shall be subscribed and paid in cash at par as and when called by board of directors. Any individual or corporation, either in or out of the State, is authorized to hold stock in this company.

First board of directors.

§ 3. The incorporators named in the first section, or a majority of them, shall constitute the first board of directors ; and whenever fifty shares, five thousand dollars, shall have been subscribed for, this corporation may be organized and begin business ; and said directors shall serve until their successors are elected and qualified. The directors may open stock-books for the subscription to the capital stock of the company, at such time and place and for such length of time as they may deem necessary. The capital stock of the company is declared personal property, and may be issued and transferred in such manner as may be provided for by the by-laws.

Board of directors.

§ 4. The affairs of this corporation shall be managed by a board of not less than five directors, who shall be stockholders. The directors shall be annually elected by the stockholders, to hold their offices until their successors are elected and qualified. They shall elect a president and such other officers and agents of the corporation as they may deem necessary. They shall have power to adopt such by-laws for the government of its officers, agents and employes, in the general conduct and management of its business, as they may deem advisable and proper. The by-laws

Annual election.

shall provide for an annual election of the board of directors, and for annual and extraordinary meetings of stockholders, at which meetings each stockholder shall be entitled to one vote for each share of stock.

held by him ; and such vote may be cast either in person or by proxy.

§ 5. The Pinnacle Inclined Railway Company is authorized and empowered to build an inclined railway at some point at the foot of Cumberland mountain near to Cumberland Gap, up the side of said mountain to the crest or top thereof, at or near a point known as the Pinnacle. It may acquire such lands and materials as may be necessary, and may purchase and erect all necessary tracks, engines, switches, machinery, cars, station-houses and any thing whatever necessary for the building and equipment of said road. It shall have such power to condemn any materials or lands necessary for its purposes aforesaid as is given by the general law to railroad corporations.

Powers to build railway.

§ 6. This corporation may issue its bonds for the purpose of building said road for such amount as it may find necessary, payable in not more than fifty years, bearing (6) not exceeding six per cent. interest semi-annually, payable as it may direct, and secure the same by mortgage on its franchises and property.

Issue bonds.

§ 7. The said company may make contracts with any corporation, company, individuals or individual, for constructing its road, and may pay for same in the stock, bonds or other property of this company, in such manner and upon such conditions as may be deemed best for its interests.

May contract with other corporations.

§ 8. The railway herein authorized to be built shall not exceed two miles in length, and shall be completed within five years from the passage of this act, or this charter shall be forfeited as to any uncompleted part.

Length of road.

§ 9. This act shall take effect from its passage.

Approved March 5, 1890.

## CHAPTER 294.

AN ACT to authorize the town of Beattyville, in Lee county, to issue bonds to pay off its present floating indebtedness, to improve its streets, alleys and sidewalks, and to build bridges.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the town of Beattyville, in Lee county, Kentucky, be, and it is hereby, empowered to issue the bonds of said town, in any sum not exceeding twenty-thousand dollars, to pay off its present floating indebtedness for street and bridge purposes, and also to pay for the further improvement of the streets, alleys and sidewalks of said town, and the cost of erecting any bridge or bridges that it may hereafter be necessary to build in said town of Beattyville.

§ 2. Said bonds shall be of the denominations of not less than one hundred dollars nor more than one thousand dollars each, and shall run not exceeding twenty years from the date of issue, but shall be redeemable at the option of said town at any time after five years from said date of issue.

§ 3. Said bonds shall bear interest from date at a rate not exceeding six per cent. per annum, payable semi-annually, and shall be signed by the chairman of the board of trustees or president of the council of said town, and countersigned by the clerk of said board of trustees or board of councilmen, under the seal of said town, which said town is hereby authorized to obtain and use; and the coupons attached to said bonds shall be signed by the clerk alone. Said bonds and coupons shall be made payable to bearer, and shall pass by delivery. The bonds shall be numbered serially from one up, and the coupons shall bear the serial number of the bonds to which they are attached.

§ 4. It shall be the duty of the chairman of the board of trustees, or the president of the board of

Duty of trustees,  
etc

councilmen of said town and the clerk thereof, to regulate and sell said bonds; or the board of trustees or board of councilmen of said town, a majority concurring, may appoint three commissioners, whose duty it shall be to regulate, sell and dispose of said bonds, and said commissioners shall be duly sworn and execute bonds for the faithful performance of their duties under said appointment and this act. The date, amount, and when due, of each bond, shall be entered by the clerk of the board of trustees, or board of councilmen of said town, upon a register kept by him for that purpose; and the proceeds of said bonds shall be paid to the treasurer of said town and by him applied to the payment of the indebtedness of said town incurred for the purposes hereinbefore named, as required by law; and he shall be responsible on his official bond for the faithful performance of his duty in regard to the proceeds of said bonds received by him and the payment thereof to the person or persons entitled thereto; but said treasurer shall make no payment except upon the order of the board of trustees or board of councilmen of said town.

§ 5. It shall be the duty of said board of trustees or board of councilmen of said town to provide for the payment of the principal and interest of said bonds; and such board is hereby authorized to levy an ad valorem tax of not exceeding fifty cents on each one hundred dollars' worth of taxable property in said town to enable said town to comply with the provisions of this act; but the said ad valorem tax shall not, at any time, exceed the said sum of fifty cents on each one hundred dollars' worth of taxable property in said town in any one year.

§ 6. Said tax shall be collected in the same manner and under the same liability that other taxes in said town are collected, and shall be accounted for by the collector thereof in the same manner that he is required by law to account for other town taxes.

§ 7. The board of trustees or board of councilmen of

said town shall have power to make all orders necessary for carrying into effect the provisions of this act.

§ 8. This act shall take effect and be in force from and after its passage.

Approved March 5, 1890.

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## CHAPTER 295.

AN ACT to legalize an order of the Larue County Court of Claims.

WHEREAS, At the levy-laying court for Larue county, Kentucky, held on the fourth Monday in October, one thousand eight hundred and eighty-nine, an ad valorem tax of ten cents was levied on each one hundred dollars' worth of property in said county to meet the necessary expenses of said Larue county; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the order making said levy is hereby legalized and declared valid and binding, and said taxes shall be collected and accounted for according to law, as provided in the General Statutes of the State of Kentucky.

§ 2. This act shall take effect from its passage.

Approved March 5, 1890.

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## CHAPTER 296.

AN ACT to amend an act, entitled "An act to incorporate the Paducah, Hickman and Southern Railroad Company."

WHEREAS, Said charter requires said railroad to be constructed through the counties of McCracken, Carlisle, Hickman and Fulton, the most direct practicable route; and whereas, the formation of the county at the junction at the south-west corner of



McCracken with the north east corner of Carlisle county, the only point the two counties join each other, it is impracticable to construct a railroad, but by diverging to the west, so as to go through a part of Ballard county, or diverging to the east, so as to go through a part of Graves county, a good route of easy grades may be obtained ; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the second section of said act be, and Change of route. the same is hereby, amended, so as to read the Paducah, Hickman and Southern Railroad Company may construct, equip and operate a standard gauge railroad from the city of Paducah to the city of Hickman, Kentucky, through the counties of McCracken, Graves or Ballard, Carlisle, Hickman and Fulton ; and may construct said railroad through such of said counties as the most practicable route may be obtained ; and all the rights, privileges and franchises, and the right and authority for the towns and precincts and counties to take stock in said railroad company in the counties named in the original act of incorporation, are hereby enacted, extended and authorized to apply to the counties, towns and precincts in the said counties of Ballard and Graves, with the same force, powers and effect, and under the same terms and conditions, as authorized by the original act of incorporation to apply to the counties of McCracken, Carlisle, Hickman and Fulton, and the towns, cities and precincts in said counties ; but nothing in said original act or this amendment shall authorize the submission of the voting of a tax to said road by any city, town or precinct of Graves county or said county ; and whereas, the said Paducah, Hickman and Southern Railroad Company did, in good faith, within two years after the said act of incorporation was approved, begin the construction of said railroad ; but by reason of the oversight in omitting to

name the counties of Graves and Ballard as counties through which the same might be constructed, and other causes, to work on said railroad has been unavoidably delayed, and with said counties of Ballard and Graves added, it may be found advisable to materially change the route of said railroad ; it is therefore enacted that said Paducah, Hickman and Southern Railroad Company shall have, and is hereby granted, two years after the approval of this amendment to survey and re-locate its said railroad and begin active construction thereof, and five years after the approval of this amendment to complete said railroad.

§ 2. This act shall take effect from and after its passage.

Approved March 5, 1890.

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## CHAPTER 297.

AN ACT to amend and continue in force an act, entitled "An act to incorporate the Deposit Bank of Elizabethtown," approved March twelfth, one thousand eight hundred and seventy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to incorporate the Deposit Bank of Elizabethtown," approved March twelfth, one thousand eight hundred and seventy, be, and the same is hereby, amended by striking from the sixth section thereof the following words: "With the consent, in writing, of the father, husband and guardian."

§ 2. That said act, as amended hereby, be, and the same is hereby, re-enacted, and shall continue in force and effect for twenty years from the date of the passage of this act.

§ 3. This act shall take effect and be in force from its passage.

Approved March 7, 1890.

## CHAPTER 298.

AN ACT to incorporate the Calloway County Agricultural Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That T. J. Nix, J. H. Keys, W. M. Valentine, Incorporators. J. B. Kelson, P. A. Wells, Frank Mallory, J. R. Tucker and Wm. H. Curd, of Calloway county, and W. B. Howard, of Graves county, and R. M. Neal and General Harrison, of Marshall county, and their associates, successors and assigns, be, and they are hereby, created a body-corporate, under the name of Calloway County's Agricultural Association; and in that name shall have perpetual succession, and have and enjoy all the rights, powers and privileges of a natural person.

§ 2. The business and affairs of said company shall be managed and controlled by a board of not less than five nor more than nine directors, who shall be elected-annually, and who shall elect a president, secretary, treasurer, manager, and such other officers as they may deem necessary; who may or may not be members of the board, and whose duties shall be prescribed by the by-laws of said association. The incorporators above-named shall act as directors until the stockholders shall hold their first annual election, or until their successors are elected and qualified. In case of a vacancy in said board, it may be filled by the remaining members of the board. The treasurer, and all other financial agents of said Business to be managed by board of directors. association, may be required to execute bond for the faithful performance of their duties in such sums as the board may fix. Financial agents give bond.

§ 3. The capital stock of said association shall be Capital stock. fifty thousand dollars, divided into shares of ten dollars each. The association may accept real or personal property needed by it in prosecuting its business

in payment for subscription to the capital stock, at such prices as may be agreed on by the directors.

Powers. § 4. The said association, when organized, shall have power to buy and sell all manner of farm implements and machinery, farm and field seeds, lime, salt, cement, provisions, and so forth, and so forth; and shall have power to do a general storage and warehouse business, and to make advancements on property of any kind consigned to or stored with it; and shall have a lien upon all property so consigned to or stored with it to secure to it the repayment of its advances, with legal interest thereon, and all proper charges for storage, insurance and other expenses connected therewith.

Collection of storage. § 5. When any property shall be stored with said association, the said association shall safely keep and hold the same for not less than three months, if owner or owners thereof shall not sooner pay the charges thereon and receive the same. Then it may, after first giving public notice by three insertions in a weekly newspaper published in said county over the signature of its secretary, proceed to sell the same at public auction to the highest bidder for cash or on time, not to exceed six months, as he may deem best; and the purchaser thereof shall acquire a perfect title to the property so sold.

§ 6. The incorporators named shall determine the amount of the capital stock that shall be subscribed for, and what per cent. of the same shall be paid in before said association shall proceed to business after its organization.

§ 7. All receipts, bills and papers of said association, to which the name of said association should be signed, the same shall be written by its secretary, and the seal of said association attached thereto.

§ 8. This act shall take effect from and after its passage.

Approved March 6, 1890.

## CHAPTER 299.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts relating to the charter and amendments thereto of the town of Winchester," approved February second, one thousand eight hundred and eighty two.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section ten of said act be, and the same is hereby, amended by adding at the end thereof the following words: "*And provided further*, That the greatest amount said attorney shall receive in any one month, for services herein described in the recorder's court, shall be sixty-five dollars."

§ 2. That section twelve of said act be, and the same is hereby, amended by adding at the end thereof the following words: "*Provided, however*, That the greatest amount said recorder shall receive in any one month, for issuing warrants for breaches of the peace or violations of the ordinances of said town, and for presiding at the trial of same, shall be sixty-five dollars."

§ 3. That nothing in the two foregoing sections shall be construed as in any way altering or changing the law as it now is relating to the taxation of costs against a defendant when convicted, and the collection of same or imprisonment therefor.

§ 4. This act to be in force from and after its passage.

Approved March 6, 1890.

## CHAPTER 300.

AN ACT to incorporate the Central Contract Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Incorporators.

§ 1. That C. J. Bronston, R. P. Stoll, W. J. Loughridge, Leslie Combs, James C. Rogers, John R. Allen, M. C. Alford and C. H. Stoll, their successors and assigns, are hereby created a body-corporate and politic, with perpetual succession, by the name and style of the "Central Contract Company;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as natural persons; may have and use a common seal, and alter the same at pleasure; but to make their contracts binding, the corporate seal need not be attached; shall have the right to conduct their business and execute contracts in relation thereto not inconsistent with the laws of this State or of the United States.

Powers.

§ 2. The said Central Contract Company shall have the power to contract with any individual or corporation for the construction of buildings and for the construction and equipment of any railroad, street railroad, turnpike, elevator, wharf, bridge, connecting railway lines, parks, street railways or other work of internal improvement in the State of Kentucky; and is authorized to receive in payment for such work so done the capital stock, bonds, or other securities or property of any such corporation or individual, and hold, transfer, assign or dispose of the same to the corporations or individuals in such manner as the board of directors of said Central Contract Company may deem proper. The capital stock of any corporation so accepted by said contract company from any such corporation or any individual, having subscribed for the same in payment for the construction or equipment of any railroad, street railroad,

bridge, or other service performed, or any of the purposes named herein, shall be deemed and held as full paid and non-assessable.

§ 3. The affairs of said corporation shall be managed by a board of seven directors, to be chosen by the stockholders on the last Tuesday in June of each and every year, notice of which shall be published by at least ten insertions in one of the daily newspapers published at Lexington, Kentucky. If, from any cause, such election is not held on the day named, it may be held upon any subsequent day, to be fixed by the board of directors, after ten days' notice by publication as above. Directors once elected shall hold their offices until their successors are elected and qualified. Special meetings of stockholders may be called at any time for the transaction of any business upon the order of the board of directors, notice of which shall be mailed to each stockholder of record at his post-office, appearing upon the books of the company, which notice shall be mailed five days prior to the day of meeting.

Board of directors to manage.

§ 4. The directors, or a majority of those remaining, shall have power to fill any vacancies caused by death or resignation, and such persons elected to fill such vacancies shall hold their offices until their successors are elected and qualified.

Filling vacancies.

§ 5. The directors shall elect one of their number president and another vice-president of the company, and they shall have authority to appoint such other officers and agents as they may deem proper.

§ 6. The capital stock of said Central Contract Company shall be any sum not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each, and the same shall be transferable only on the books of the company, in the manner provided by the by-laws. The said stock may be paid in such manner, upon such terms, and in cash or other property, as may be provided by the board of directors. John T. Shelby, of Lexington, Kentucky, is author

Capital stock.

ized to open a subscription-book, and whenever fifty shares of the capital stock shall have been subscribed for, the subscribers shall meet and elect a board of directors, who shall serve until an annual meeting, or until their successors are chosen, as herein provided for.

May adopt by-laws. § 7. The board of directors shall have power to adopt all by-laws, rules and regulations, deemed advisable for the business of the corporation. Directors' meetings may be held in or out of the State, and at such times and places as a majority of the board may fix.

Place of business. § 8. The principal office of the corporation shall be located in the city of Lexington, Kentucky, unless otherwise ordered by the board of directors.

§ 9. At all stockholders' meetings each stockholder shall be entitled to one vote for each share of stock held by him, as appears upon the books of the company.

§ 10. Private property of the members of the corporation shall not be liable for the corporate debts.

§ 11. This act shall take effect from and after its passage.

Approved March 6, 1890.

## CHAPTER 301.

AN ACT to amend an act, entitled "An act to establish a system of common schools in the town of Corydon, Henderson county," changing the boundary thereof and adding same to other districts.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky that the present boundary of the common school district of Corydon, Kentucky, is so large that it is very inconvenient for persons living in the distant parts to have their children attend said school; therefore,



*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the territory of the common school district of Corydon shall consist of all that country lying within a circle described by a radius of one and one-half miles ( $1\frac{1}{2}$ ), the center being the point where the school building now stands in the town of Corydon, instead of the boundary set forth in the act to which this is an amendment.

§ 2. All the territory lying without said circle, and within what is now the boundary of said district, shall be divided and added to other school districts of said county created under the statute laws of Kentucky, or new districts made, if the same will be more convenient for the residents thereof. The said districting shall be done by commissioners appointed by the judge of the Henderson County Court, upon application by any person living in said territory.

§ 3. The said territory, when added on to other districts, or created into new districts, shall be under the State school laws, and be taxed thereunder, and receive its proportion of all moneys under the State laws.

§ 4. Nothing in this act shall exempt the said territory, or any part thereof, stricken from said Corydon school district, from the bonded indebtedness now existing by law created for the building of the school-house in said district; but the said property in said territory shall remain bound, and taxes be collected thereon as though this amendment had not been passed, until said present debt is all paid; but no taxes shall be collected for current school expenses on said excluded territory or its inhabitants.

§ 5. The commissioners, in redistricting the territory under the second section of this act, may add to the Corydon common school district any part of the adjacent territory thereto if the convenience of the residents require it, and they desire it, but not otherwise; which desire shall be made known by the

written petitions of said residents, filed with the Henderson county judge; and when any territory is so added to the Corydon school district, the same shall, in all respects, be under and subject to the laws and rules thereof as though this act had not been passed.

§ 6. This act shall take effect from its passage.

Approved March 6, 1890.

## CHAPTER 302.

AN ACT to amend an act, entitled "An act to authorize the Carroll County Court to take stock in turnpike roads in said county, and the amendments thereto."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the act, entitled "An act to authorize the Carroll County Court to take stock in turnpike roads in said county," and the various amendments thereto, be amended by adding thereto the following provisions, namely:

When county aid  
may be had.

§ 1. Before any turnpike road company or corporation shall be entitled to aid or subscription for stock from the Carroll County Court it shall have completed one continuous mile of turnpike road in said county upon a road-bed not less than eighteen feet between the ditches, so shaped that the water will run from the center of the road-bed in opposite directions to the ditches, which must be not less than three feet wide, and so constructed that they will drain the road and themselves at all points, and not choke nor fill with dirt or debris, and with bridges and culverts of such dimensions, character and materials, and at such places, as the turnpike commissioner for said county may require, and with a grade not exceeding ten feet to one hundred feet, and with fills and cuts made at an angle not exceeding forty-five degrees, with not less than seven inches of limestone rock broken into fragments not exceeding five inches in diameter placed

on said road-bed not less than ten feet in width and seven inches in depth, and with limestone rock broken into fragments which will pass through a two and one-half inch ring, or gravel, free of earth, and dirt placed on said seven inches of limestone rock to the depth of not less than five inches ; or, if desired, said road-bed may be covered with gravel, free of dirt, sand or soil, to the depth of not less than fourteen inches, with the metal well shouldered on each side with earth the depth of the metal, and eighteen inches wide, so placed as to make an incline from the top of the metal to the road-bed. As each mile of turnpike road is built according to these specifications, or so that, in the opinion of said commissioner, it will be as good, if not better, than a road made according to these specifications, said commissioner shall report to the judge of the Carroll County Court, in writing, that one mile of turnpike road has been completed according to law by the company that built it, and thereupon said report shall be filed in said court, and the judge of said court shall deliver to said company a turnpike bond for eight hundred dollars, bearing interest from its date until maturity, at a rate not exceeding six per cent. per annum. Said bond shall be in the following language (with blanks filled by said judge), namely: Eight hundred dollars ; turnpike bond ; number —. Carroll county, Kentucky, promises to pay to the ——— company or order, the sum of eight hundred dollars on the first day of January, one thousand eight hundred and ———, with interest thereon from date until maturity, at the rate of ——— per cent. per annum. This bond will cease to bear interest at maturity if not then presented to the treasurer of said county for payment. Witness the signatures of the judge and the clerk of the Carroll County Court this ——— day of ———, one thousand eight hundred and ———.

\_\_\_\_\_, C. C. C.

\_\_\_\_\_, J. C. C. C.

Before said bond is delivered it shall be copied on the order-book of said county court by the clerk of said court, and when so copied and delivered it shall be valid and obligate, and bind Carroll county for its payment; but until it is so copied and delivered, it shall not be legal or of any value. Said bonds, when copied and delivered as aforesaid, shall be paid by the treasurer of Carroll county at maturity; and in order that the treasurer of said county may be able to pay them at maturity, the sheriff of Carroll county is required to pay the turnpike tax for each year on or before the first of January next thereafter; and the county court shall not permit him to execute his bonds for any year unless he has paid the turnpike tax in his hands for the preceding year to the treasurer of said county. Should there be a fraction of a mile in the completion of any turnpike road built under the provisions of this law, the company building the same, as herein required, shall be entitled to such proportion of eight hundred dollars as the fraction is part of a mile, and the county judge shall issue a county order for same, upon report of the commissioner. Upon the receipt of said bonds or orders, it shall be the duty of the president of the company receiving the same to pay said commissioner what the company owes him, and to deliver to the clerk of the Carroll County Court a certificate, stating that Carroll county is entitled to stock in said company to the amount of said eight hundred dollars. The clerk shall make an order filing said certificate, and keep the same in a box properly labeled in his office, and the justices of the peace for Carroll county shall represent said stock in the various companies granting said certificates; and said justices, as the representatives of Carroll county, shall each and every one of them be eligible to hold the offices of president, director, treasurer and secretary in said companies; and it shall be the duty of said justices, when they convene as a court with the county judge,

to appoint some one or more of their number to vote the stock of said county in such companies for such officers as may be elected by the stockholders of said companies. And they shall have the power to vote the stock of said company, and to hold an election for officers for said companies, on the day fixed for holding such elections by the charters of such companies: *Provided, however,* The county shall not elect a majority of the directors in any company from among the justices of the peace for said county, except in the event the individual stockholders fail to hold an election.

§ 2. It shall be the duty of the president of each company receiving such bonds from the county judge to make a report to the Carroll County Court of all the legitimate expenditures of his company in building its turnpikes, with proper receipts therefor filed with said reports, sworn to by said president as just and correct. Said report shall be filed by the clerk of the Carroll County court, who shall enter an order on the order-book for said court stating the total expenditures said report shows; and it shall be illegal for said company to issue certificates for more stock than said report shows was expended in building said turnpike.

Duty of president of turnpike company.

§ 3. All the money received for tolls by the companies owning said turnpikes that have or may receive orders or bonds from the county for stock, shall be expended in keeping said turnpikes in good order and repair, and the president and directors of said companies may be required to make an exhibit of such tolls and the expenditures on said turnpikes at any time by the judge of the Carroll County Court, who may summon them to appear before him for that purpose; and upon their failure to appear, or make said report when so summoned, they shall each be fined in a sum not exceeding fifteen dollars by the judge of said court.

Money received from tolls.

§ 4. Such turnpike companies as have or may re-

Collection of  
tolls.

ceive county order or bonds shall not be required to collect toll on their turnpikes, but it shall be lawful for them, or either of them, to employ toll-gate keepers on other turnpikes than their own to collect toll for travel on their turnpikes, and such toll-gate keepers shall have the right and authority to keep their pole or gate closed and prevent any one from going through who has not paid the toll required of him for traveling on such turnpikes as he may be collecting toll for; and any one avoiding or attempting to avoid the payment of toll on such turnpikes, by traveling a part of the way over them and then going around the toll-gate where the toll is gathered, or by making false statements, or by refusing to pay toll at such places, or by any other means, shall be fined not exceeding fifteen dollars and not less than five dollars before the judge of the Carroll County Court.

Penalties for fail-  
ure to perform  
duties.

§ 5. The president and directors of said turnpike road companies shall be liable to a fine not exceeding fifteen dollars each and costs, for each and every time they allow their turnpikes to remain out of repair and unfit for public travel for more than thirty days, and it shall be the duty of the county attorney to present them before the judge of the Carroll County Court for such failure.

Turnpike com-  
missioner to be  
appointed.

§ 6. The justices of the peace for said county shall appoint a turnpike commissioner, whose duty it shall be to see that the companies expecting aid from the county have their road-beds, culverts, and bridges properly made and constructed, and to see that the metal required by the first section of this act is properly placed on said road-bed, and that the turnpike is properly constructed, and, as each mile of turnpike road is completed, to report the same to the county judge if the same is as good or better than a road built according to the requirements of section one of this act. If the company desires the commissioner's attendance for more than two days on a mile, it must pay him for his attendance for each day over said

time at the rate of two and one-half dollars per day, and he shall be paid at the rate of five dollars per mile by the county for the services herein required of him.

§ 7. Ministers of the gospel and funeral processions shall not be required to pay toll on such turnpikes, and no toll shall be collected on the Sabbath from persons going to or from places of public worship. No more toll shall be charged for travel on such turnpikes than is necessary to keep them in good order and repair; and the directors shall determine the rates, which shall not exceed the rates of toll prescribed in the General Statutes for turnpike and gravel roads. Stockholders and directors shall be required to pay the same rates of toll that other persons are required to pay; and no compensation shall be allowed or paid to any officer of the company, except the officers may be allowed their individual buggy and horse-back toll free.

Who shall not be required to pay toll.

§ 8. The justices of Carroll county are authorized to direct the commissioner appointed by them to lease, or they may, by order of court, lease such turnpike roads as have been surrendered to the Carroll County Court, for any number of years they deem proper, to a company or individual, on such terms as they deem proper; but before the lessee takes charge of such turnpike roads, he shall be required to execute bond, with sufficient surety, to Carroll county, to the effect that he will keep said turnpike roads in good order and condition for public travel during the term of his lease, and deliver it in such condition to the county at the termination of his lease; and he will not be permitted to charge any greater rate of toll than that herein prescribed; and for failure to keep the turnpike in such order and condition, he shall be liable to be fined and prosecuted as the president and directors are, and he will be liable on his bond for damages.

Commissioner may lease roads.

§ 9. All fines collected for a violation of the pro-

Fines.

visions of this law shall be paid to the treasurer of Carroll county for the use of the county.

§ 10. The provisions of this act shall apply to all turnpikes and turnpike companies which said county has heretofore or may hereafter assist in building.

§ 11. This act shall take effect from its passage.

Approved March 6, 1890.

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## CHAPTER 303.

AN ACT to incorporate the town of Burnside, Pulaaski county, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Incorporated. § 1. That the inhabitants of the town of Burnside, in the county of Pulaski, and State of Kentucky, be, and they are hereby, incorporated and made a body-politic and corporate, under the name and style of the town of Burnside; and under said name they shall have full power to contract and be contracted with, to sue and be sued, to plead and be impleaded; to have perpetual succession, and to do and to perform all such acts and things as such corporate bodies may rightfully do.

Limits. § 2. The boundaries of said town shall be as follows: Beginning on an elm on the west bank of the South Fork of Cumberland river, at the mouth of same; thence up the river with the top of the banks, south sixty-six degrees, east nineteen poles; thence south forty-eight degrees, east twenty-four poles; thence south thirty-two degrees, east thirty-four poles; thence south twenty degrees, west one hundred and fifty-six poles to a stake on the west bank of the river; thence south seventy degrees east, crossing the river one hundred and thirty-six poles to a rock in S. H. Bryant's line; thence south eighty degrees, east twenty-six poles; thence south eighty-



five degrees, east eleven poles to a rock, Bryant's and Shadower's corner; thence with Shadower's line north seventy-four degrees, east sixteen poles to a rock, his corner; thence with his line north twenty-three degrees, west fifty-seven poles to a stake, corner of the Burnside Land Company; thence with their line north fifty-seven degrees, east two hundred and seventy-two poles to a cedar near the Antioch road; thence north five degrees, east one hundred and thirty poles to a blue ash, Kinsey's corner, on the south cliff of Cumberland river; thence the same course forty poles, crossing the river to a stake on the north bank of the same; thence down the same, binding thereon, north fifty-seven degrees west one hundred and fifty poles, north sixty-five degrees west eighty poles, north seventy-one degrees west seventy-four poles, north eighty-five degrees west twenty-two poles, south seventy-six degrees west nineteen poles, south sixty degrees west twenty-one poles, south forty-five degrees west ninety-four poles, south thirty degrees west forty-six poles, south five degrees west eighty-eight poles to a rock; thence south fifty-five degrees west forty poles to the beginning.

§ 3. That all persons residing in said town sixty days previous to an election, and who have the right to vote for members of the General Assembly and other officers of this Commonwealth, shall be qualified to vote for officers of said town.

§ 4. The officers of said town shall be a board of Officers. trustees, consisting of five members, who shall hold their offices for two years; a police judge, who shall hold his office for two years, and a marshal, who shall hold his office for one year.

§ 5. That George P. Taylor, A. G. Daugherty, L. B. Board of directors. Cook, M. D. Stigall and R. M. Phillippi be, and they are hereby, appointed trustees of said town of Burnside; and said trustees and their successors shall choose one of their body as chairman, who shall

preside over the board at all meetings of said board, and he may call special meetings when deemed proper or necessary by him ; a majority of said trustees shall constitute a quorum to do business.

§ 6. The trustees appointed shall remain in office until the first Monday in June, one thousand eight hundred and ninety-two, and until their successors are elected and qualified.

Police judge. § 7. That James H. Hill shall act as police judge, he to hold said office until the first Monday in June, one thousand eight hundred and ninety-two, and until such time as his successor is elected and qualified.

Marshal. § 8. That John Coomer shall act as marshal, he to hold said office until first Monday in June, one thousand eight hundred and ninety-one, and until such time as his successor is elected and qualified.

Elections. § 9. An election shall be held on the first Monday in June, one thousand eight hundred and ninety-one, and upon the same day every year thereafter at a place designated by the board of trustees, for the purpose of electing a town marshal ; and on first Monday in June, one thousand eight hundred and ninety-two, and every second year thereafter, and upon the same day, for the purpose of electing five trustees and a police judge.

Terms to begin. § 10. The terms of all elective officers shall commence on the first Monday in July next after their election, and continue until their successors are qualified.

May make by-laws and ordinances. § 11. The board of trustees shall have power to make by-laws and ordinances for the government of said town, for the preservation of good order, decency and decorum within its limits ; for the preservation of the peace, lives, health and property of the citizens, inhabitants and others within its limits ; for the preservation, repair and improvements of the streets, sidewalks, alleys and other public property of said town ; to require the owners of real estate in said town to build and repair the sidewalks in

front, at side, or back of such real estate as they own, in such manner and with such material as said board may direct; and in the event that the owners of such real estate fail or refuse to build or repair such sidewalks, as required as aforesaid, said board of trustees shall have the power to have the same built or repaired, and shall have a lien on the real estate at back, front, or side of which such sidewalk may be built or repaired, for the cost and expenses of the same, which lien may be enforced by appropriate proceedings in the Pulaski Circuit Court.

§ 12. Said board of trustees shall have power to prevent the erection of unsafe buildings, chimneys or flues; to have the same inspected, and condemn such as are unsafe; to prevent and abate nuisances; to suppress tippling-houses and bawdy-houses, or houses of ill-fame; to license any itinerant venders of goods, wares, merchandise, drugs, medicines and nostrums; also to tax any shows, menageries, circus or other exhibition which may be held, shown or exhibited in said town, or within one half mile of the corporate limits thereof.

§ 13. Said board of trustees may license, or permit to be run free, billiard-tables, pool-tables, shooting-galleries, or any game that is not prohibited by law.

§ 14. Said board of trustees may also provide and maintain suitable apparatus for the extinguishment of fires in said town; they may cause wells and cisterns to be dug in said town for the supply of water for the inhabitants thereof, and for the extinguishing of fires; they may extend streets and alleys of said town, or open new streets and alleys; but no street or alley shall be extended or opened except by consent of the owner of the land over which the same may pass, except in the manner prescribed by law.

§ 15. Said board of trustees shall have power to prescribe adequate penalties for violations of the by-laws, ordinances and regulations of said town: *Provided*, That they shall have no power to make any

by-laws, ordinances, rules or regulations in contravention of the constitution and laws of the United States or of this State.

§ 16. *Provided further*, That they shall not have power in any one case for a violation of the by-laws and ordinances of said town, to inflict a greater penalty than a fine of one hundred dollars, or imprisonment for fifty days, or both such fine and imprisonment.

§ 17. Said board of trustees shall not have the power to grant license for the sale of any spirituous, vinous or malt liquors, or a mixture thereof, whenever the sale of the same shall be prohibited by any law of this State.

§ 18. Said board of trustees shall have power to levy a poll-tax of not exceeding two dollars and fifty cents on each male resident in said town over the age of twenty-one years, and a tax of not exceeding fifteen cents on each one hundred dollars' worth of real and personal estate in said town, as shown by the assessor's books of the county for the current year, except machinery and manufacturing implements, which shall be exempt from any tax. Should the owner of any real or personal estate in said town fail or refuse to pay the taxes levied thereon in pursuance of this act, the board of trustees may cause the same to be sold for said taxes by the town marshal, at the court-house door in Burnside, at public auction, to the highest bidder for cash in hand, the sale having been first advertised for at least thirty days, by posting notices of said sale in no less than three conspicuous places in said town. The owner of the property so sold may redeem the same within two years from such sale, by paying to the purchaser thereof the purchase money therefor, with interest thereon at the rate of thirty per centum per annum from the date of sale; and should the owners of such property fail to redeem the same within said period, it shall be the duty of the marshal to convey the same

by deed to the purchaser, and this deed shall vest in such purchaser all the title which the former owner may have had to such property.

§ 19. Said board of trustees shall have power to appoint a clerk, whose duty it shall be to keep a fair record of all the proceedings of the board, and to perform such other duties as may be prescribed by the board. They may also appoint a treasurer, prescribe his duties, and shall require him to execute such bond as may be sufficient to protect the interest of the town. They may also appoint an attorney for said town, whose duty it shall be to prosecute all persons charged with a violation of the ordinances of said town, and the board may agree with said attorney as to his compensation; they may appoint special policemen and invest them with the powers of peace officers, and prescribe their duties; they may establish a jail and a work-house, and appoint a keeper or warden thereof; they may appoint such other officers as may be necessary in said town, and may prescribe their duties. All officers appointed by said board of trustees shall hold their offices during the pleasure of the said board.

§ 20. The judicial powers of said corporation shall be vested in and exercised by a court, to be styled the Burnside Police Court, which shall be held by the police judge of said town under the style of the Judge of the Burnside Police Court; regular term of said court for the trial of civil actions shall be held on the second Monday in each month of the year, and said police judge shall hold a regular monthly term of said court for the trial of penal and criminal causes, on a day to be fixed by him and noted of record in the order-book of said court; but he may hold a court at any time for the trial of such cases. It shall be the duty of the police judge to issue his warrant for the arrest of any person upon affidavits being filed that such person is guilty, or that there are grounds for so

Judicial powers—  
police court.

believing him or her guilty of an offense, or of a violation of any ordinance of said town.

Police jurisdiction.

§ 21. The police judge, as judge of said court, shall have exclusive jurisdiction of all offenses against the ordinances of said town, and concurrent jurisdiction as that of a justice of the peace within three miles of the corporate limits; and he shall have the same jurisdiction in all penal or criminal or other cases as that of a justice of the peace for Pulaski county; he may hold examining courts; he may take recognizances and bail bonds for all appearances in his said court, for and within the town limits, and within three miles of the corporate limits, and the collection, recovering or forfeiting of said recognizances or bail bond may be enforced in said court.

Jurisdiction.

§ 22. Whenever the jurisdiction of said police court in any civil action is concurrent with that of circuit courts, a tax of fifty cents shall be paid to said police judge for the purpose and under the same conditions as when such taxes are paid to circuit court clerks, and shall be accounted for in the same manner. In all such actions the fees of the police judge shall be the same as those allowed by law to circuit court clerks for similar services; and the fees of the officers executing the process shall be the same as those allowed to sheriffs for similar services; and in taxing as costs, the fees of officers and attorneys in all such actions, the same rules of law which apply to and govern clerks of circuit courts shall apply to and govern said police judge.

§ 23. In all civil actions in said police court, in which the amount in controversy, exclusive of interest and costs, does not exceed the sum of fifty dollars, the fees of said police judge shall be the same as those allowed by law to justices of the peace for similar services; and the fees of the officers executing the process shall be the same as those allowed by law to constables for similar services.

§ 24. Said police court shall be a court of record.

Said police judge shall act as clerk of said court. He Keep record. shall keep a fair record of all of its proceedings in suitable books to be furnished by the town of Burnside, and duly certified copies of the records of said court may be given in evidence in the other courts of this State. Said police judge shall have power similar to a justice of the peace to grant attachments, injunctions, restraining orders, and other provisional remedies; he may issue any and all process, precepts and other instruments necessary to carry out the judgments or orders of said court, and may enforce obedience to the same; he may punish contempts by a fine not exceeding ten dollars, or imprisonment for ten days, or both, at the discretion of the court.

§ 25. Any summons, warrant, subpoena, execution, *capias*, order for a provisional remedy, or other process issuing from said police court, may, at the option of the plaintiff, be directed to the marshal, a constable, or the sheriff, or, in their absence, to the coroner or jailer, any of whom may execute the same.

§ 26. The laws governing the election of a special Election laws. judge of a circuit court as to the cause and manner thereof shall apply to the election of a special judge of said court, who shall possess the qualifications of a police judge; and the board of trustees shall have power to appoint an attorney in case of necessity to act as police judge of said town of Burnside. The pleadings and mode of procedure and practice in said police court shall be governed by the Kentucky Codes of Practice in civil and criminal cases, except as herein provided; and any term of said court may continue from day to day until business thereof may be completed.

§ 27. If, during the pendency of any action in said Sale of real estate. police court, it shall appear that the title to, or boundary of, any real estate is involved in the controversy, it shall be the duty of the court to make an order transferring to the circuit court of the county, and to deliver to the clerk of said court all the original

papers and certified copies, and all orders made in such action. Said clerk shall thereupon place said action upon the docket of his court, and the same proceedings may be had thereon as though the action had been originally instituted in said circuit court; and in no event shall the title to, or boundary of, any real estate be affected by any judgment of said police court.

Fines and forfeitures.

§ 28. All fines and forfeitures recovered in the Burnside Police Court, for violations of the town ordinances of the town of Burnside, are hereby granted to said town of Burnside, and shall be paid into the treasury of said town. Any person who shall fail or refuse to pay or replevy, with good security, any fine assessed or adjudged against him or her in said police court, as well as the costs of the prosecution, may be imprisoned in the county jail of Pulaski county until such fine and costs shall be paid or replevied; but such imprisonment shall not exceed one day for each two dollars of such fine and costs; or any person failing to pay or replevy an such fine and costs inflicted for a violation of the ordinances of said town, or of the laws within its limits, may be required, by the judgment of said court or jury trying the case, to work upon the streets, or other public works of said town, under the supervision of the marshal, at the rate of one dollar per day until said fine and costs shall thus be paid. The marshal shall use all necessary force to compel such defendant to work.

Jailer.

§ 29. The jailer shall diet such defendant during the period of such labor; and when not engaged at such labor, the defendant shall be confined in the jail until the expiration of his term of service.

§ 30. It shall be the duty of the jailer of Pulaski county to receive and keep in the jail of said county all persons committed thereto, under any order of, or *capias* from, the said police court; but the fees of said jailer for imprisoning and keeping and providing for all persons committed for violations of the ordinances



of said town shall be allowed by the board of trustees, and paid out of the treasury thereof.

§ 31. The marshal of said town shall be a voter and Marshal. resident therein, and he may, by and with the consent of the board of trustees, appoint a deputy, who shall have the same powers and perform the same duties as the marshal.

§ 32. It shall be the duty of the marshal to execute Duties of marshal. all orders, notices, and so forth, issued by the board of trustees; to attend all regular and other terms of the police court held for the trial of penal and other causes; to execute all warrants or other process; also any order or *capias* issued from the Burnside Police Court in any prosecution for a violation of any of the ordinances of said town, or of the laws of this State within the limits of said town; and in the execution of the process in any criminal or penal prosecution in any court in this State, said marshal shall have the same powers as those of a constable of Pulaski county.

§ 33. It shall also be the duty of the marshal to collect all taxes assessed in said town, as also to properly assess all taxable property in said town. Before entering upon his duties, the marshal shall take the oath prescribed by the Constitution of this State, and shall, before the board of trustees, execute a bond with good security, conditioned that he will well and faithfully perform the duties of his office; and that he will pay over and account for all the taxes and all other moneys collected by himself or deputy upon any execution, order of court, or of the board of trustees, or any *capias*, execution or other process, or which may otherwise be collected by him as marshal or by his deputy, to the proper person or persons, which bond shall be payable to the Commonwealth of Kentucky, and shall be on the conditions and under the penalties of the bonds required to be given by constables for the discharge of their duties, and the

same remedies may be had upon said bond as may be had on the official bonds of constables.

Marshal shall  
take oath and  
give bond.

§ 34. The marshal of said town may, in the Pulaski County Court, take oaths required by law to be taken by constables, and execute a bond similar to the bond required by law to be executed by constables, upon which the marshal shall have all the powers of a constable of Pulaski county, and shall be subject to the same responsibilities as a constable of said county; but the marshal may discharge all the duties and have all the powers conferred on him by the preceding section without executing the bond required in this section: *Provided*, That before any deputy of said marshal shall proceed to discharge any of the duties embraced in this section, the marshal shall execute in said county court a bond similar to the bond required in this section to be executed by himself, which bond shall be conditioned for the proper discharge of the duties of a constable by said deputy.

§ 35. Any officer authorized by this act to execute any process requiring bail shall have power to take such bail.

§ 36. All process issued by said police judge shall be in the name of the Commonwealth of Kentucky, and all prosecutions for violation of the ordinances of said town, or of the laws within its limits, shall be in the name of town of Burnside as plaintiff.

Eligibility for  
office.

§ 37. No person shall be eligible for the office of member of the board of trustees or police judge of said town unless he shall have been a voter and resident of said town at least one year next before his election or appointment; nor shall any office of said town be held by any person not a resident and voter therein.

§ 38. Before entering upon the duties of their respective offices the members of the board of trustees and the police judge shall take the oath prescribed by the Constitution of this State, and the police judge

shall also take an oath similar to that required by law to be taken by county judges.

§ 39. The police judge shall be commissioned by the Governor upon the certificate of his election or appointment from the chairman and clerk of the board of trustees; said police judge shall also execute, before the clerk of the Pulaski County Court, a bond similar to that required by law to be executed by county judges.

§ 40. A vacancy in the office of the board of trustees <sup>Vacancies.</sup> shall be filled by appointment by the remaining members of the board until the next regular election for trustees. A vacancy in the office of police judge of said town shall be filled by appointment by the board of trustees until the next regular election for police judge, and a vacancy in the office of marshal shall be filled in a like manner until the next regular election for town marshal.

§ 41. All general laws of this Commonwealth relating to cities and towns, and not inconsistent with this act, shall apply to the town of Burnside and the Burnside Police Court.

§ 42. This act shall take effect from and after its passage.

Approved March 6, 1890.

## CHAPTER 306.

AN ACT to incorporate the Keene Cemetery Company, in Jessamine county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That A. D. Collins, Andrew Woods, William <sup>Incorporators.</sup> M. Smither, C. E. Smith, A. M. Young, G. W. Goode, S. C. Lyne, G. W. Sandusky, George S. Moseley, J. H. Blackford and J. T. Sallee, be, and they are hereby, made a body-politic and corporate in law, under the

style and name of the Keene Cemetery Company ; and by that name shall be able and capable in law to have and use a common seal, to contract and be contracted with, to sue and be sued, and do all other things incident to a corporation. The said company shall have power to purchase any quantity of land in Jessamine county, Kentucky, not exceeding ten acres, and receive conveyances for the same, with such covenant of warranty as they may think proper ; and they may condemn so much land as they may think proper for their purpose adjoining the present cemetery at Keene, Jessamine county, Kentucky, by proceedings had in such manner as for condemning lands for public roads ; and those persons now owning burial lots in said cemetery at Keene shall, under this charter become stockholders in this company to the extent of the cost of such lots. The land and appurtenances, when conveyed to said corporation, shall be held solely and exclusively for a cemetery, and shall never be used for any other purpose ; and the said grounds and appurtenances shall not be subject to taxation for State revenue or other purposes, and shall not be subject to sale for debt. No road or passway shall be opened through said cemetery except by the consent of the company. Said company may receive any gift or devise that may be made to it, the same to be used solely for the improvement of said grounds. The ground of the present Keene Cemetery Company, and the privileges and franchises thereof, shall be under the control of this corporation.

§ 2. The above-named persons shall manage the affairs of the corporation until trustees are elected as herein provided. On the first Saturday in March, one thousand eight hundred and ninety, and annually thereafter, there shall be elected five trustees to conduct the affairs of said company, and they shall hold their offices till their successors are elected and qualified ; and shall have power to fill any vacancies that may occur in their body by death, removal or

otherwise. Notice of the time and place of voting shall be given by not less than three notices, posted for at least ten days before the election, in three or more public places, in or near said village of Keene. The election shall be conducted by judges appointed by the board then in office. Three trustees shall constitute a quorum for the transaction of business. Each person owning a burial lot or lots of the value of twenty dollars, shall be regarded as holding a share, and each share shall entitle the holder to one vote in the election of trustees, but no one shall cast more than five votes. The trustees shall keep a regular record of their proceedings, and of all such transfers and disbursements; and shall always preserve an accurate map and survey of the ground and lots, and have the same recorded in the Jessamine county court clerk's office. Each trustee shall, before he proceeds to discharge the duties of his office, take an oath that he will faithfully and impartially discharge the duties of a trustee according to the best of his ability, and will not be influenced in his conduct as trustee by sectarian or political partialities.

§ 3. Said corporation shall have the power to lay <sup>Powers.</sup> off and ornament the said cemetery grounds, including therein such as now is embraced in the cemetery at Keene, and such as may be added thereto, and to sell and convey burial lots; and the trustees thereof shall have the power, from time to time, to make any by-laws and regulations for the control, management and care of said cemetery grounds and graves, and regulate the mode in which bodies shall be interred, and any other by-laws or regulations necessary for the purpose of said company; they shall have the power to appoint, from time to time, a superintendent or other officers, as they may deem necessary, and take from them bonds for the faithful discharge of their duties, or such as may be required. All moneys received by the corporation shall be used for the benefit of said cemetery.

How lots are  
transferred.

§ 4. When a lot is purchased in said cemetery the trustees shall give a certificate thereof, under the seal of the corporation, which shall vest the purchaser with title ; which title may be transferred according to such rules and regulations as may be prescribed by the laws of the corporation, but in no other way ; but such lot may pass by inheritance or devise as other realty ; said lots shall never be used except for burial lots ; and if applied to any other use, shall revert to the corporation.

May sell land.

§ 5. Should said corporation acquire any land deemed undesirable for their use, they may sell and convey the same. Said trustees shall have the power to levy a tax on the lot-owners in said cemetery to raise necessary funds to keep said grounds in repair. They shall also have the power to forfeit any lot in said cemetery taken up by any person who has failed to pay for the same ; and when any interment has been made on any such lot or lots, the trustees shall have power to enter upon the same and remove, or cause to be removed, the bodies to the public grounds in said cemetery or some other : *Provided*, That before any lot is forfeited, the trustees shall give thirty days' written notice of their intention to do so to the person, in whose name such lot is entered ; or if such person can not be found, then such notice is to be posted for thirty days before such action conspicuously on said lot.

§ 6. This act shall take effect from its passage.

[Became a law March 8, 1890, without approval of the Governor.]

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## CHAPTER 307.

AN ACT for the benefit of common school districts forty-nine and sixty,  
Lincoln county.

WHEREAS, By oversight of the county superintendent of Lincoln county, seventeen (17) pupil children were omitted in the census report of common school

district number forty-nine, and eight (8) pupil children were omitted in the census report of common school district number sixty, for the school-year ending June thirtieth, one thousand eight hundred and ninety; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his draft, for the benefit of said school districts for said school-year, on the Auditor of Public Accounts in favor of Kate Bogle, superintendent of common schools for the county aforesaid, for the sum of fifty-four dollars and seventy-five cents, payable out of the unexpended interest and surplus of the Lincoln county bond, fifty-five dollars and thirty-five cents, for the school-year ending June thirtieth, one thousand eight hundred and ninety.

§ 2. This act shall take effect from its passage.

Approved March 7, 1890.

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## CHAPTER 308.

AN ACT for the benefit of common school district number twenty-one, Lincoln county.

WHEREAS, By oversight of the county superintendent of Lincoln county, twenty-seven (27) pupils were omitted in the census report of common school district number twenty-one of said county, for the school year ending June thirtieth, one thousand eight hundred and eighty-nine; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his draft for the benefit of said school district for said school year, on the

Auditor of Public Accounts, in favor of Kate Bogle, superintendent of common schools for the county aforesaid, for the sum of fifty-five dollars and eighty-nine cents, payable out of the unexpended interest and surplus of the Lincoln county bond, fifty-seven dollars and fifty-two cents, for the school year ending June thirtieth, one thousand eight hundred and eighty-nine.

§ 2. This act shall take effect from its passage.

Approved March 7, 1890.

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## CHAPTER 309.

AN ACT to incorporate the Taylor Bank of Campbellsville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Incorporation

§ 1. That there is hereby established a deposit, savings and exchange bank in Campbellsville, in Taylor county, in the State of Kentucky, with a capital stock of fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided ; and the subscribers of said stock, their associates, successors and assigns, shall be a body politic and corporate, by the name and style of the Taylor Bank, and shall so continue for fifty years from the date of its organization, unless sooner dissolved by a majority in interest of the stockholders therein ; and shall have and may exercise all the rights and privileges of a natural person in contracting and being contracted with, and as such may sue and be sued, and plead, answer and defend in any court or place whatever ; and may have and use a common seal, and change the same at pleasure.

Board of directors.

§ 2. Said bank shall be under the control and management of a board of five directors, who shall be stockholders residing in the State of Kentucky, who shall hold their offices until their successors are



elected and have qualified ; and after the first election under this charter, they shall be elected annually on the Wednesday following the first Monday in January of each year, or as soon as practicable thereafter ; and in case of a vacancy for any cause, the remaining directors may fill the same with other stockholders possessing the qualifications hereinbefore named. They shall elect one of their number president. They shall have the power to sell any of the stock ; to declare dividends arising out of the profits of the business of said bank ; to appoint officers, agents and employes as may be necessary to properly conduct the business of said bank, and pay them for their services ; and may take from the president, cashier or other employes of said bank such bonds as they may deem necessary to insure a faithful performance of their respective duties, and may make and enforce such by-laws as may be necessary for their proper management and control of the affairs of said bank : *Provided*, The same be not inconsistent with the Constitution or laws of this State or of the United States.

§ 3. That J. R. Davis, D. W. Gowdy, S. R. Bass, <sup>Terms and elections.</sup> L. B. Smith and G. H. Gowdy, are hereby constituted and appointed a board of directors for said bank, to hold office as such till their successors are elected and qualified ; and they may fill any vacancy occasioned in their number, and shall provide for an election of directors by the stockholders within one year from the date of organization of the bank. The directors aforesaid shall cause due and proper notice to be given to all the stockholders, by publication in some newspaper printed in Campbellsville, or by written or printed notices through the mails of the proposed time and manner of holding said first election, at which every stockholder shall be entitled to cast one vote, in person or by proxy, for each share of stock owned by him, and on which he has paid in full the called installment due at the date of said election.

Subscription  
books.

§ 4. The board of directors, as named in section three of this act, may appoint one or more of their number to open books and take subscriptions to the capital stock of said bank, and to receive and hold in trust, for the use and benefit of the subscribers, any sums that may be paid in by said subscribers at or after the time of making said subscription, and before the organization of the bank; and as soon as two hundred and fifty shares of said stock shall have been subscribed for, they may organize said bank by electing a president and vice-president, and appointing a cashier, and may begin business as soon as ten thousand dollars of the capital stock has been paid in: *Provided*, That the said president and cashier shall first go before some one authorized to administer oaths and make and subscribe to an oath that said ten thousand dollars of capital stock has actually been paid in.

Terms of pay-  
ment.

§ 5. The manner of payment of stock shall be provided for as the board of directors may deem best: *Provided*, That no one call shall be for a greater amount than twenty per cent. of the stock subscribed. The board of directors shall have power, by their by-laws, to provide for the enforcement of payment or forfeiture of stock subscribed and not paid for, or for any part thereof.

Liability of  
stockholders.

§ 6. The stock in said bank shall be deemed personal property, and shall be transferable only on the books of the bank by the stockholder, his agent or attorney, under such rules and regulations as the directors from time to time establish; and every stockholder shall be individually liable to the creditors of the bank for the full amount of the unpaid stock subscribed for and owned by him. But when the said stock shall have been paid for in full, then no further liability shall attach to said stockholder in any event.

Discount and de-  
posit.

§ 7. Said bank, when organized, may receive deposits of gold and silver, bank notes, and all other notes which may be lawfully circulated as money, and

repay the same in such manner and at such times as may be agreed on with the depositors by general or special contract; may transact a general banking business, loan money, discount paper, buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, mortgages or other evidences of debt; take personal, collateral or other security for the payment of the same; and dispose of such stocks, bonds and securities in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved the sixteenth of March, one thousand eight hundred and seventy-one. The bank shall have power to make advances on approved securities upon agricultural products, including growing crops, and upon all manufactures and fixtures as personal property. It may receive in pledge, or as security for money loaned or debts owing it, bonds, stocks, produce and merchandise, United States vouchers, certificates or bonds of indebtedness, or the bonds of this or any other State, city or county, or company; and secure any debt or liability to said bank by mortgage on any real or personal property in or out of this State, and sell the same on the non-payment of the debt or demand in accordance with the above-named act, entitled "An act for the benefit of the incorporated banks of Kentucky." It may issue certificates of credit, payable throughout the United States and elsewhere, but shall not issue any notes or bills to circulate as money. All promissory notes, payable in any incorporated bank in this Commonwealth, bills of exchange, or other papers which may be discounted by said bank, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the makers, drawers, indorsers or other parties thereto.

§ 8. The said bank may acquire, hold, possess, use, occupy and enjoy all such real and personal property, goods, chattels and other things, as may be convenient

May acquire property.

for the transaction of its business, or which may be pledged or conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey, or otherwise dispose of the same, as a natural person: *Provided*, That said bank shall not hold any real estate conveyed to it as security for, or in payment, in whole or in part, of any debt, judgment or decree, for a longer period than five years.

May receive de-  
posits from mi-  
nors, etc.

§ 9. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid and binding.

Oath of office.

§ 10. The president, cashier, directors and other officers of the bank shall, before they enter upon the duties of their respective offices, take an oath or affirmation that they will faithfully discharge the duties imposed upon them by this charter, or that may hereafter be required of them by an amendment or by-laws hereafter adopted; and the president, cashier, and such other officers as the board of directors may require, shall execute a bond to the bank with security, and with such conditions as the board may require.

May increase  
stock

§ 11. The bank may, at any time after its organization, increase its capital stock to any amount not exceeding one hundred and fifty thousand dollars, by a majority vote of its stockholders.

§ 12. This act shall take effect from and after its passage.

[Became a law March 6, 1890, without the approval of the Governor.]

## CHAPTER 311.

AN ACT for the benefit of P. H. Haley, a justice of the peace of Daveiss county.

WHEREAS, It appearing that P. H. Haley, a justice of the peace of Daveiss county, had his house burned on the ninth of July, one thousand eight hundred and eighty-nine, and that he had therein twenty-five dollars of fines collected that belonged to the State that was also burned ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the said P. H. Haley, a justice of the peace of Daviess county, be, and he is hereby, released from the payment of the said twenty-five dollars in fines which he had collected, and which he reported to B. E. Stout, trustee of the jury fund for the Daveiss Circuit Court, at its July term, one thousand eight hundred and eighty-nine.

§ 2. This act to take effect and be in force from and after its passage.

[Became a law March 7, 1890, without the approval of the Governor.]

## CHAPTER 312.

AN ACT to authorize Duke Cayce Bowers, a minor, to transact business as a man.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Duke Cayce Bowers, a minor, of Hickman county, Kentucky, be, and he is hereby, authorized and empowered to transact business, sell and convey real estate and receive conveyance to same, and to transact any other business as though twenty-one

years of age. Nothing in this bill shall be so construed as to entitle Duke Cayce Bowers to exercise the right to vote during his minority. That he shall have no power to dispose of any real estate which he may have acquired by gift or devise during his minority.

§ 2. This act to take effect from and after its passage.

[Became a law March 8, 1890, without approval of the Governor.]

## CHAPTER 313.

AN AOT to incorporate the Williamsburg Banking Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Capital stock.

§ 1. That there is hereby established a bank of deposit in the town of Williamsburg, Kentucky, with a capital stock of one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided for; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the "Williamsburg Banking Company," and shall continue for twenty-five years from and after the passage of this act; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places whatever. They may have a common seal, and alter and change the same at pleasure. They shall have the power to receive gold and silver and bank notes, and other circulation or currency or deposits, and pay out and loan the same; to buy and sell drafts, notes, bills of exchange, bonds or stocks; and all notes made payable at said banking company, and all notes or bills made

payable at other banks, and discounted or purchased by said banking company, shall be, and they are hereby, put upon the footing of bills of exchange, Bills of exchange. and like remedy may be had thereon, jointly and severally, against the drawers and indorsers, and with like effect, except as to damages; and they may allow interest on deposits, and allow depositors to share in the profits in said banking company, in such manner and on such terms as may be prescribed by the by-laws of said bank.

§ 2. The said corporation may acquire, hold and Real estate. possess, use, occupy and enjoy, real estate to the value of seven thousand and five hundred dollars, and such goods, chattels and fixtures as shall be necessary for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same; and they make such by-laws for their government as they may deem necessary: *Provided*, The same are not contrary to the Constitution and laws of this State or of the United States.

§ 3. Said banking company may appoint such offi Election officers. cers as may be necessary for the conducting of its business; who shall be under the direction and control of not less than seven and not more than nine directors, each of whom shall be a stockholder, and, after the first election, shall have been stockholder for at least three months previous to the election, and they shall be residents of this State; and after the first election shall be elected annually on the first Monday in April in each year. They shall elect one of their number president, and shall hold meetings at such times as may be fixed by the by-laws, and may have other meetings when deemed necessary; and in case of death or resignation of a director, the vacancy shall be filled by the board of directors. The directors shall have power to declare dividends of the profits arising out of said business, and to fix, allow and pay

the officers, agents and servants such sums, wages and salaries as they shall think proper and reasonable.

§ 4. The stock shall be deemed personal property, and shall be transferable and assignable according to the by-laws or rules of said banking company at the time.

**Incorporators.** § 5. A. Gatliff, D. S. Ballou, R. D. Hill, G. A. Denham, G. C. Bronfield, L. P. Curd and J. M. Blakeley, of Williamsburg, Kentucky, are hereby appointed commissioners, any four of whom may act, to open books and receive subscriptions for the capital stock; and when two hundred shares have been subscribed, it shall be their duty to give notice in one or more papers published in Whitley county, for five days beforehand, and appoint a day for the election of directors, who shall hold their office until the ensuing annual election. The manner of payment for the stock shall be set forth in the articles of subscription; but said corporation shall not begin business until the sum of twenty thousand dollars shall have been paid up and the president and directors shall have made oath before a competent officer that they will truly and honestly, to the best of their judgment and ability, conduct the affairs of said banking company. The board of directors shall have power, by their by-laws, to provide for the enforcement of payment or forfeiture of stock subscribed and not paid for, or for any part thereof.

**When commence business.**

§ 6. Said banking company shall, through its board of directors, have the power to require bond from all or any of its officers or employes; and if the cashier, teller, president, or other officers or employes, shall appropriate any of the funds of said banking company to his own use, or shall willfully fail to make correct entries or knowingly make false ones on the books of said banking company, with intent to cheat or defraud the corporation, or any one else, or to conceal any improper appropriation of funds, the officer, clerk or employe shall be deemed guilty of felony, and



shall, upon conviction thereof, be sentenced to confinement in the penitentiary of this Commonwealth for a period of not less than two and not more than ten years.

§ 7. The Legislature reserves the right to alter, amend or repeal this act at pleasure, as well as at all times to examine into the affairs of said corporation by any committee they may appoint.

§ 8. The private property of the directors, incorporators and stockholders of said banking company shall be exempt from the payment of the debts of said corporation.

§ 9. That said bank shall not own any real estate conveyed to it as security for or in payment of any judgment, decree or debt due it, for a longer period than five years, except such as may be necessary for the transaction of its business. Time hold real estate.

§ 10. This act shall take effect from its passage.

[Became a law March 10, 1890, without the approval of the Governor.]

## CHAPTER 314.

AN ACT for the benefit of A. C. Homes, of Fulton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That A. C. Homes, county surveyor of Fulton county, be, and is hereby, authorized to act as deputy county clerk of said county, by taking the oaths prescribed by law as such deputy clerk: *Provided always*, That he shall, as such deputy, have nothing to do with the business to be done in the county clerk's office of Fulton county that in anywise pertaineth to the office of county surveyor.

§ 2. That should the said deputy, A. C. Homes, violate the proviso named in the first section of this act, he shall be deemed guilty of a misdemeanor, and,

upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars therefor, and that each violation of said proviso shall be deemed a separate offense.

§ 3. That this act shall take effect from and after its passage.

[Became a law March 10, 1890, without the approval of the Governor.]

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## CHAPTER 315.

AN ACT to amend an act, entitled "An act to provide for the reorganization, maintenance and supervising of common schools in the town of Louisa, and the vicinity," which became a law April sixteen, one thousand eight hundred and eighty-six, and the amendments thereto.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section one of said original act be so amended as to include the lands of Sam Doc Smith, just above Lick creek ; the farms of Mathew M. Elam, and of Belle V. Johns, and that said additional boundary, and all white persons residing within the same, shall be liable for taxes for the year one thousand eight hundred and ninety, and thereafter ; and all white pupils residing in said boundary shall be entitled to attend said school for the present and succeeding years.

§ 2. That section fourteen of said original act be, and the same is hereby, amended by inserting seven thousand five hundred dollars instead of five thousand dollars, wherever it occurs in said section.

§ 3. That section forty of said original act be amended by adding thereto : "All sheriffs and other collecting officers shall pay over to the treasurer of said board all fines and forfeitures imposed for the violation of the local option law, or any law against the sale of spirituous, vinous or malt liquors, when

the offense was committed within the boundary of said district, whether imposed by judgment of the Lawrence Criminal or Circuit Court or Louisa Police Court, or any court having jurisdiction."

§ 4. This act shall be in force from its passage.

[Became a law March 8, 1890, without the approval of the Governor.]

## CHAPTER 316.

AN ACT to amend an act, entitled "An act to prevent certain domestic animals from running at large in certain counties in this Commonwealth," approved May third, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section fifteen of said act, entitled "An act to prevent certain domestic animals from running at large in certain counties in this Commonwealth," approved May third, one thousand eight hundred and eighty-eight, be, and the same is hereby, amended by adding after the word "Campbell," and before the word "only," in the last line thereof, the words "Spencer and Madison."

§ 2. This act to take effect from its passage.

Approved March 11, 1890.

## CHAPTER 318.

AN ACT to amend an act incorporating the Daveiss County Fair Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section three of an act incorporating the Daveiss County Fair Company, approved May twelfth, one thousand eight hundred and eighty-four, be, and

the same is hereby, amended so as to read: "There shall be eight directors (instead of seven), who shall be elected by the stockholders at their regular annual election in November, one thousand eight hundred and ninety, four of whom shall serve for one year, or until their successors have been elected and qualified, and four for two years, or until their successors have been elected and qualified; and the directors shall, by lot, determine which four shall serve for one and which four for two years, and at each subsequent election thereafter there shall be four directors elected, who shall serve for two years, or until their successors shall have been elected and qualified.

§ 2. No director shall serve two consecutive terms.

§ 3. This act shall take effect from and after its passage.

Approved March 11, 1890.

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## CHAPTER 319.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to amend and reduce into one the several acts in relation to the town of Calhoon,' approved March fourth, one thousand eight hundred and seventy-two," approved March seventh, one thousand eight hundred and seventy-three.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Calhoon," approved March fourth, one thousand eight hundred and seventy-two, passed and approved March seventh, one thousand eight hundred and seventy-three, be, and the same is, amended by striking out the word "north," in the twentieth line of section one of said act, approved March seventh, one thousand eight hundred and

seventy-three, and inserting in lieu thereof the word "south."

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1890.

## CHAPTER 320.

AN ACT to amend the charter of the Mechanics' Savings Bank and Trust Company, approved third May, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to incorporate the Mechanics' Savings Bank and Trust Company," approved May third, one thousand eight hundred and eighty-eight, be amended by changing the name of said corporation to "Mechanics' Trust Company;" but nothing in this section shall be held or construed to affect in any way the business done by said Mechanics' Savings Bank and Trust Company prior to its acceptance of this amendment. Change of name.

§ 2. That section two of said act be amended by striking out the word "nine," in the twentieth line of said section, and inserting in lieu thereof the word "fifteen."

§ 3. That section six of said act be amended by striking out the word "one," in the eight line of said section.

§ 4. That section twelve of said act be amended so as to read as follows: "The said corporation may be appointed and may act as guardian of infants, as executor or administrator, or as committee of lunatics, as receiver, assignee, or other trustee, whether appointed by deed, by last will and testament, by any court in this Commonwealth, or in any other manner not inconsistent with law. It may receive and hold in trust estate, real and personal, including the notes, May act as guardian, etc.  
Trustee.

Agent or attorney.

Trust department.

Powers of trustee, etc.

Females may hold stock.

bonds, obligations, and accounts of estates and individuals, of companies and corporations, private or public; and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same in this State or elsewhere. It may act as agent or attorney in the leasing, conveying, selling or disposing of and managing real and personal estate, receiving and collecting rents and other moneys, in the issuing and countersigning certificates of stock, bonds, or other obligations of any corporation, association, or municipality, State or public authority, or in selling the same, and may receive and manage any sinking fund therefor, and may accept and execute all such trusts of every description, not inconsistent with the laws of the State, as may be committed to it by any person or persons, or by any corporation, or by any court of record of this or any other State. It shall have a trust department, and all its accounts of a fiduciary character shall be kept in a separate and special set of books.

§ 5. That said act be further so amended that promissory notes or bills, payable to any person or persons, or to a corporation, or to said Mechanics' Trust Company, or to said Mechanics' Trust Company, trustee or bearer, and payable or negotiable at the office of said company, in Louisville, Kentucky, shall be, when discounted by said company for itself or as trustee, and are placed on the footing of bills of exchange.

§ 6. That the said Mechanics' Trust Company shall have right and authority to sell, under judgment of any court of competent jurisdiction, any estate, real or personal, which may be in its possession or control, or committed to it as assignee, trustee or receiver, the sale of which shall be ordered by any such court; and any court ordering such sale shall have authority and jurisdiction to order said company to make such sales; and any general law in conflict herewith is hereby to that extent repealed.

§ 7. That females may become stockholders in this

company, either by original subscription or by purchase and transfer of stock; and when any stock shall be issued to such female, the said Mechanics' Trust Company may, at the written request of such female, express on the face of the certificate or transfer-book of such stock that it is for the use of such female, when the said stock shall become and be the separate property of such female; and no husband she may at the time have, or may thereafter have, shall take any interest in such stock, or in any dividends thereon, and at her death it shall pass to her heirs; but if unmarried, she may dispose of it by will; or if married, so dispose of it with the consent of her husband, or without such consent, if by the provisions of the deed, will or other instrument, under or by virtue of the provisions of which she took or holds the funds or other property invested in such stock, she has such right. She may receive the dividends, and give receipts or acquittances therefor, though married; but she shall not in any way anticipate the same, nor shall any dividend be paid upon an order or power given by her before the same is declared. Such females may sell and transfer their stock, whether held as general or separate estate, but if married, the husband of such female stockholder shall join in the transfer, and if such stock be her separate estate, her interest shall be the same in the proceeds as it was in the stock, or if such stock shall have been purchased with funds or property which she took or held under the provisions of a deed, will or other instrument, her interest in the proceeds of such sale shall be as provided in such deed, will or other instrument; but no such investment or sale shall be made in contravention of the provisions of any deed, will or other instrument: *Provided*, That it shall in no case be the duty of the said Mechanics' Trust Company to see that such estate or interest is preserved to such female in the proceeds of any such sale.

§ 8. Married women and minors may make deposits in said Mechanics' Trust Company, and their checks or receipts for the same shall be valid to the same extent as if they were not married or were of full age.

Deposits from  
minors and mar-  
ried women.

§ 9. Private property of stockholders of said corporation shall be exempt from liability for corporate debts.

§ 10. This act shall take effect and be in force from and after its passage.

Approved March 11, 1890.

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## CHAPTER 321.

AN ACT to prevent the obstruction of Licking river.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That hereafter it shall not be lawful for any person or persons, company, association, or corporation, to erect, have or maintain, upon the Licking river, any kind of boom or booms, turnout or other structure, that will in anywise obstruct or interfere with the free passage of boats, rafts of saw-logs, the running, driving, or floating of loose saw-logs, or any kind of lumber or other materials, up or down the channels of said river. Any timber used as a floating foot-bridge that does not impede, detain, delay, or in anywise interfere with the free navigation of said river, shall not be considered an obstruction.

§ 2. That each day such boom or booms, turnouts and other structures is maintained shall constitute a distinct and separate offense, and any person or persons so violating the provisions of section one of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, upon any indictment in the circuit court of the county having jurisdiction under the law now in force, shall be fined not less than five



hundred dollars nor more than one thousand dollars, in the discretion of the jury or court trying the case.

§ 3. If any person or persons shall, by any boom or other obstructions placed in Licking river, detain the logs, lumber or other property of any other person, which is being floated up or down said river, he or they shall be liable to the person whose logs, lumber or property is so detained in a sum equal to three times the actual damages sustained thereby, which may be recovered in any court of competent jurisdiction.

§ 4. That all laws or parts of laws in conflict with this act are hereby repealed.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 11, 1890.

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## CHAPTER 322.

AN ACT for the benefit of G. H. Gardner, late sheriff of Grayson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That G. H. Gardner, late sheriff of Grayson county, is permitted to list all unpaid taxes due him as sheriff for collection with the present sheriff or his successor, for and during the time now allowed said late sheriff by law to make such collections.

§ 2. That the present sheriff or his successor shall have the same power and authority as is given by law to said late sheriff to levy upon and sell such property owned by the parties owing such tax as may be necessary to pay the same.

§ 3. That this act shall take effect and be in force from and after its passage.

Approved March 11, 1890.

## CHAPTER 323.

AN ACT to authorize the board of trustees of the town of Eddyville, Lyon county, to sell or lease certain streets of said town.

WHEREAS, Certain persons connected with the construction of the branch penitentiary desire to acquire control of that part of Washington and College streets, in the town of Eddyville, lying between Water street and Cumberland river; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the board of trustees of said town are hereby authorized and empowered to contract for a lease or sale of said fractional parts of streets, and that said board of trustees shall have in their corporate capacity the power to execute and deliver said deeds or leases to the lessee or grantee with the same effect as if it were an individual transaction.

§ 2. This act shall take effect from and after its passage.

Approved March 11, 1890.

## CHAPTER 324.

AN ACT to amend an act, entitled "An act to incorporate the Maysville Street Railroad and Transfer Company," approved January twenty-first, one thousand eight hundred and sixty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That said company is authorized, with the consent of the city authorities, to construct, own, operate and maintain a branch to its present road, to be known as the "Race Street Branch of the Maysville Street Railroad and Transfer Company," beginning said branch at the intersection of Commerce, Lexington or Union streets, with its present tracks in the

city of Maysville ; and thence southwardly along said streets to Fourth street, or Poplar avenue ; and thence eastwardly along said street to the city limits at Race street ; and thence eastwardly along said Race street to and across the Maysville and Mt. Carmel Turnpike Road to a connection with its present tracks near the cemetery.

§ 2. The said company may issue stock upon said branch, not exceeding the sum of twenty thousand dollars par value, in shares of twenty-five dollars each ; and may also issue bonds in a sum not exceeding ten thousand dollars, in denominations of one hundred dollars each, bearing six per cent. interest per annum, payable semi-annually ; which said bonds shall be secured by a mortgage upon the tracks, stock and equipment of said branch road ; and this company may also, by a vote of a majority of its present stock, guarantee the payment of the interest upon said bonds, and also make them a second mortgage upon its present tracks and property ; and this company is authorized to sell said stock and bonds at such price as the directors may determine, or dispose of them as they deem best, and use the proceeds in the construction, equipment and operation of said branch ; and the company, by vote of a majority of stock at a regular or called meeting, may consolidate said branch road with this company's present property, and issue stock and bonds on the consolidated property, and exchange said consolidated stock and bonds for the stock and bonds of the present company and said branch on such terms as may be agreed upon by the holders of said stock and bonds and this company ; and said company may purchase stock or other equipments for said branch, and which shall be the property of said branch, and subject only to debts arising from or on account of same.

§ 3. Said company is authorized, with the consent of the city authorities, to convert its road and said Race street branch into an electric street railway, and

to operate same by electricity, and by what is known as the electric system, instead of by horse-power ; and for that purpose is authorized to purchase, own, put up, construct and maintain the necessary poles, wires, apparatus and machinery for same along its tracks through the city of Maysville and town of Chester and Race street, and its entire line of road ; and said company may also utilize the said electricity and electric apparatus in lighting the line of their roads. The said company may subscribe for and own stock in any electric or electric light company. It may also lease the necessary apparatus, machinery, fixtures, power, and so forth, to so operate its road by the electric system ; that said company shall be required to run cars and to transport any passenger demanding such transportation over its line between its stables and the terminus of said road at the cemetery gate, on the regular run of its cars as operated over other parts of its line: *Provided, however,* That said company shall not be required to run cars over its line between said stables and cemetery after sundown.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 11, 1890.

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## CHAPTER 325.

AN ACT to amend the charter of Cabin Creek, East Fork and Concord Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to incorporate the Cabin Creek, East Fork and Concord Turnpike Road Company" be, and the same is hereby, amended so that section two shall read : "The object and business of said corporation shall be to construct, keep up, and maintain a turnpike road, commencing at a

point near the junction of the Chalk Ridge county road with the Cabin Creek, Sand Hill and Manchester Turnpike Road, near the late residence of Jacob Mower, deceased ; thence along the route of the same, the most practicable way to East Fork Cemetery ; thence the most practicable route to the Concord and Tollesboro Turnpike, near the residences of Cooper Means and J. L. Wellman." Section six is hereby amended so as to read : "The Lewis County Court, by the presiding judge thereof, is authorized to subscribe stock to the amount of one thousand dollars per mile for each and every mile let to a responsible contractor, payable in the bonds of Lewis county, and to be delivered to the president of said company, who shall receipt for the same, and give bond that the same shall be honestly and faithfully used and applied to the construction and building of said road, according to the specifications of a competent engineer, who shall be elected jointly by the county attorney and president ; when a subscription list of responsible citizens to the capital stock of said turnpike company is produced in said county court, at any regular term thereof, to the full amount of five hundred dollars." Section eleven is hereby amended so as to read : "Said road shall be not less than sixteen feet and not more than twenty feet wide."

§ 2. All acts and parts of acts in conflict hereto are hereby repealed.

Approved March 11, 1890.

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## CHAPTER 326.

AN ACT to incorporate the Farmers' Bank and Trust Company of Stanford, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That there be, and is hereby, authorized and established in the town of Stanford, Lincoln county,

Kentucky, a bank and trust company, by the name and style of Farmers' Bank and Trust Company of Stanford, Kentucky.

Capital stock. § 2. That the capital stock in said Farmers' Bank and Trust Company shall be one hundred thousand dollars, fifty per centum of which shall be paid in before business shall be commenced; but the capital stock of said corporation may at any time be increased, by resolution by the board of directors, to any sum not exceeding two hundred and fifty thousand dollars, but fifty per centum of such additional capital stock shall be paid up within sixty days after such increase; said stock to be divided into shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided.

Bills exchange. § 3. It shall be lawful for said Farmers' Bank and Trust Company to transact financial business as a natural person, to act as administrator, executor, guardian, assignee, committee, receiver, or agent; to loan money, discount promissory notes, buy and sell exchange, stocks and other mercantile securities; and the promissory notes made negotiable and payable at its banking-house, or at the banking-house of any other incorporated bank in this State, and inland bills which may be discounted or purchased prior to maturity by said bank shall be, and they are hereby, placed on the footing of foreign bills of exchange, and like remedy may be had thereon, jointly or severally, against the makers, drawers, indorsers or parties thereto.

§ 4 Said bank shall have the power to make advances on approved securities, and upon the agricultural and other products of the country. It may receive bonds, stocks, produce and merchandise in pledge for the security of money loaned or advanced. It may also receive, in pledge for money loaned or debts owing, United States bonds or other vouchers, certificates or bonds of indebtedness, or the bonds of

the State of Kentucky or other boards authorized by the State of Kentucky.

§ 5. Said bank may receive on deposit gold, silver, bank notes, United States notes and other currencies circulating as money, and pay the same in kind, or as may be agreed by general or special contract; may issue letters of credit, payable at any place in the United States, for the accommodation and convenience of merchants and traders, but shall not issue any bank notes or promissory notes to circulate as money.

§ 6. Said bank shall be under the control and direction of eleven directors, each of whom shall be a stockholder of not less than ten shares in his own name, and in no way hypothecated, and a citizen of Kentucky; and after the first election they shall be elected on the first Wednesday in January in each year, and hold office until their successors are elected and qualified. Any director may be removed by the stockholders, at any regular or called meeting, by a majority in interests, said director having received ten days' notice of said stockholders' meeting. Said directors shall elect one of their members president, and shall hold meetings at such times and places as may be fixed by the by-laws of said corporation. In case of the death or resignation of any director, the vacancy shall be filled by the remaining directors.

§ 7. The directors shall have power to receive subscriptions to as many shares of the stock remaining unsold as they may think conducive to the interests of said corporation; to declare dividends out of the profits of business, and to appoint such other officers and agents and servants as they may deem necessary to conduct the business of said corporation, and pay to them such salaries, fees and wages, and take from them such bonds to secure the performance of their duties, as they shall think proper and reasonable.

§ 8. The stock in said corporation shall be personal property, and shall be assignable on the books of the corporation in such manner as the directors may, from

time to time, prescribe ; but said corporation shall have no lien on the stock to secure any indebtedness by the stockholders after a transfer made as above described.

Liability of  
stockholders.

§ 9. The share-holders of this corporation shall be held individually responsible equally and ratably, and not one for another, for all contracts, debts and engagements of this corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares ; and persons holding stock as executors, administrators, guardians or trustees, shall not be personally subject to any liabilities as stockholders, but the estates and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward or person interested in such trust funds would be if living and competent to act and hold the stock in his own name.

§ 10. The president and directors shall, from time to time, make all necessary by-laws, rules and regulations, and alter, amend or repeal the same for the government of said corporation not in contravention of the Constitution and laws of the United States or the Constitution of this State ; and they may also fix the number of directors that shall constitute a quorum to transact business.

Commissioners.

§ 11. J. J. Williams, J. S. Owsley, J. K. Baughman, A. W. Carpenter, J. M. Hail, J. F. Cash, S. H. Shanks, J. B. Owsley, S. J. Embry, J. E. Lynn and W. Gooch, or any five of them, are hereby appointed commissioners to open books in the town of Stanford and receive subscriptions to the capital stock, and when one hundred thousand dollars, nor more than two hundred thousand dollars, in the discretion of said commissioners, has been subscribed, they shall give notice, by printed advertisements or otherwise, of a day appointed for the election of a board of directors, who shall hold office until the ensuing annual election. And in all elections by the stockholders



each stockholder shall have one vote for each share of one hundred dollars' stock, and may vote either in person or by written proxy, such proxy being a stockholder.

§ 12. Payment for the first fifty per centum of stock provided for in section two shall be made upon the call of the board of directors by proper resolution passed by them; and should any subscriber fail to pay his subscription to the capital stock as herein provided, the directors may, after giving thirty days' notice to such subscriber of such purpose, by resolution duly passed and entered on the records of said corporation, forfeit such shares of stock, and sell the same at such time as they may deem expedient.

Paying up of  
capital stock.

§ 13. Said Farmers' Bank and Trust Company may commence business so soon as fifty thousand dollars has been paid in, and the president and directors first elected have certified the same under oath before a judge or a justice of the peace in said county.

§ 14. It shall also have the right to acquire, hold or use all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same: *Provided*, It does not hold any real estate purchased in satisfaction of any judgment or payment of any debt due it for a longer period than five years. The General Assembly shall have the right to inquire into the affairs of said bank by commissioners appointed for that purpose, and to require such commissioner to report the result.

§ 15. This bank may be placed in liquidation, and its affairs closed up by a vote of its share-holders owning two-thirds of its capital stock, which two-thirds vote shall be ascertained at a meeting of its share-holders called by the president and directors for that purpose by resolutions duly passed and entered on the records of the bank, and ten days' notice

May wind up  
business.

given of the time and place and purpose of such stockholders' meeting; and whenever it shall be so determined to close the bank, then it shall be the duty of the president and directors to cause the same to be certified to the Auditor of the State by the cashier, under the seal of the bank, and to notify the creditors of the bank by publishing the facts for sixty days in any paper published in the town of Stanford; and to appoint such officers and agents as they shall deem necessary for that purpose.

§ 16. If any cashier, teller or other officer of said bank, without the consent of the president and directors, appropriate any of the funds of said bank to his own use, or to that of any other person, or shall fail to make correct entries on the books of the bank, with intent to cheat or defraud the corporation, or any other person, or to hide or to conceal any improper appropriation of the funds with the view to defraud, the officer so offending shall be guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the penitentiary of this State for a term of not less than one year nor more than ten years.

§ 17. This act shall take effect from and after its passage.

Approved March 11, 1890.

## CHAPTER 327.

AN ACT to establish a city government for the town of North Middletown.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the boundary of North Middletown shall be the old boundary, namely: On the north, a line with the line of the alley north of Main street; on the east, the Plum Lick and the Mt. Sterling pikes; on the south, the first street south of Main street; on

Limits of town

the west, a line with the line of the alley west of Main Cross street: extended on all sides by the addition of strips of uniform width, said width to be the same as the length of a line, at right-angles, from the mouth of the alley north of Main street and on Main Cross street to the northern boundary of the college property; and this boundary, and the persons residing within said boundaries, are hereby created a body-politic and corporate, by the name and style of the city of North Middletown; and by that name may have perpetual succession, sue and be sued in all courts of law or equity; may make contracts, and purchase and hold such lands and tenements and personal property as may be necessary for the use of said corporation, and may sell and convey the same.

## ARTICLE II.

§ 1. The executive power of the city shall be invested in the mayor of said city, who shall hold his office during the term of two years, and until his successor is elected and qualified.

§ 2. The mayor shall have all the civil and criminal jurisdiction which, by existing law, or laws that may be passed by the General Assembly of Kentucky, are conferred upon justices of the peace. He shall be a conservator of the peace; may direct the arrest of offenders against the penal laws of the city and of the Commonwealth in view, and summon a *posse comitatus* to his aid; he shall exercise a strict supervisory control over the public affairs of the city; see that the city ordinances are enforced; that the officers discharge their duties, and cause any one of them to be impeached who may prove derelict. He is empowered with authority to take the necessary steps to suppress all riots, insurrections and disorderly meetings; he shall sign all commissions, licenses and permits granted by authority of the city; perform all such duties and exercise such powers as may, from time to time, be confided to him by the laws and ordinances

Powers of  
mayor.

of the city, or may otherwise pertain to the office of mayor. He shall have power to administer oaths, and give certificates thereof, as county or circuit clerks are by law authorized to do; and, in addition, shall have all jurisdiction in felonies and misdemeanors which, by the Code of Practice in Criminal Cases, are especially conferred upon mayors of cities as such.

#### ARTICLE III.

§ 1. All legislative powers herein granted and con-  
ferred shall vest in the board of council, which shall  
be known by the name and style of the "Board of  
Council of the City of North Middletown." The  
board of council shall consist of five councilmen,  
who shall, at their first regular meeting after each  
annual election, elect one of their number president  
of the board for one year.

Powers of coun-  
cil.

§ 2. The president of the board of council shall  
preside at all meetings of the council, and in cases  
of a tie he shall have one vote and not otherwise.  
He may call special sessions of the council; and in  
case of the death or resignation of the mayor, his  
absence from the city, or his inability to perform  
the duties of his office from any cause, perform all  
the duties and shall have and exercise all the pow-  
ers that are vested in the mayor.

§ 3. A majority of said board of council shall form  
a quorum for the transaction of business; and in case  
of a vacancy caused by death or otherwise, the re-  
maining councilmen shall have power to fill such  
vacancy by appointment for the unexpired term;  
also the power to elect a president *pro tempore* when  
necessary.

§ 4. No person shall be eligible to the office of coun-  
cilmen or mayor who is not a male citizen of the  
United States of good character, who has not attained  
the age of twenty-one years, who has not resided in  
the county of Bourbon two years next preceding his  
election, and the last year thereof in said city; who is

interested in any contract with said city, the conditions of which are to be acted upon by the council; and no person shall be eligible who is indebted to said city for tax or otherwise.

§ 5. The mayor, councilmen and marshal shall be <sup>Elections.</sup> elected at the annual election to be held the first Saturday in April, one thousand eight hundred and ninety. The marshal's term of office shall be one year; the councilmen's two years; but of the five councilmen elected in one thousand eight hundred and ninety, three shall hold for only one year, and who these shall be, shall be decided by lot by said council within ten days after said election. Upon said first Saturday in April, in each year thereafter, a general election shall be held for the election of such officers whose terms then expired.

§ 6. All male citizens of said city who are entitled to vote for State Representative, and who have resided in said city for one year next preceding the city election, shall be entitled to vote for all the officers of said city, and upon all questions submitted to the voters of said city: *Provided, however,* That no person shall be entitled to vote for any of the officers of said city, nor upon any question submitted to the voters of said city, unless all taxes, fines, or other debts due said city from said person, at the time he offers to vote, shall have been fully paid and discharged, and as evidence of such payment, any officer of the election may require the production of an authenticated tax or other receipt from the treasurer of said city, certifying that the taxes or other debts due the city are paid.

§ 7. The council shall have control of the finances and of all property, real and personal, belonging to the city; and shall have full power to make, publish, amend and repeal all ordinances for the following purposes, namely:

*First.* To restrain or prohibit, and punish, prevent <sup>Powers of council.</sup> or suppress affrays, assaults or batteries, breaches of

the peace, breaking or training of horses on the streets, street beggars, mendicants and vagrants, carrying concealed deadly weapons, drunkenness, disorderly conduct, disturbances, disorderly assemblies, exhibiting stallions, jacks, and so forth, on the streets; firing of guns, pistols or fireworks, gaming or immoral and fraudulent practices, common gamblers, disorderly houses of all kinds, houses of ill-fame, gaming-houses and tables, blowing of horns, public indecency, injuries to public or private property, leaving teams insecured in the streets, lewd talk in hearing of minors, all unnecessary noises, obstruction of streets, alleys or sidewalks, racing or immoderate riding or driving on the streets, unnecessary ringing of bells, riots, profane swearing, selling of spirituous, vinous or malt liquors without license, Sabbath-breaking, unlawful assemblies, and all offenses made penal by the General Statutes of the State.

*Second.* To establish and equip a fire department and provide cisterns or reservoirs for water; to enter into and examine all dwellings, lots, yards, inclosures, and buildings of every description; to ascertain their condition for health, cleanliness and safety; may take down and remove buildings, walls, and so forth, or require owners to do so, at their own expense, when said council deems it expedient so to do, in order to promote the public safety or health.

*Third.* To direct location of powder-houses, soap factories, slaughtering places, and so forth; to regulate or prohibit the running at large of live stock, and authorize the distraining, impounding and selling of same for penalty incurred and for costs; to regulate or prohibit the running at large of dogs, and to authorize the killing of same when at large contrary to ordinance; to regulate or prohibit games on the street; to compel persons to pay taxes on all dogs.

*Fourth.* To compel persons to keep their sidewalks and gutters and alleys and premises clean, and all garbage removed; to abate nuisances, and to declare

what shall be a nuisance, to both abate and punish at discretion ; to mark and establish boundary lines and all enlargements and additions to said city, and of all streets, alleys and blocks therein ; to provide for the killing of vicious animals, and penalties to be imposed on owners or keepers of same ; to provide for and regulate police of city ; to levy and collect revenue for the city ; but no ad valorem tax of over one per cent., nor tithe of over two dollars, shall be assessed in any one year ; to establish a board of health and invest it with such powers as are deemed necessary ; to regulate the speed of cars, obstruction of crossings by cars, and fix penalties for same ; to designate location of electric wires and remove same.

*Fifth.* To regulate and license vehicles, peddlers, agents, those who sell by sample at retail, concerts, exhibitions, and so forth, charging such sums as they deem advisable.

*Sixth.* To appropriate the money of the city to its improvement and necessary expenses, the payment of its debts, and for the general protection of the lives and property of its citizens.

*Seventh.* To prohibit and prevent or regulate the erection of wooden buildings in such parts of the city as they may think proper, and to remove the same at owner's expense when erected or suffered to remain when already erected, contrary to law or ordinance, and the offending party may also be fined as provided by ordinances.

*Eighth.* The council shall cause to be kept a correct journal of its proceedings, which shall be signed by the president and clerk. Its ordinances shall be published at least once in a local newspaper of said city, or posted in three public places in said city.

*Ninth.* The council shall not make or create a debt or debts against the city, payable during the current year, that can not be liquidated out of the revenue of that year.

*Tenth.* To fix fines and penalties for the violation

or infraction of the laws or ordinances of said city, not exceeding one hundred dollars for any one offense; to make such rules, regulations, by-laws and ordinances for the purpose of maintaining the peace, good government, health, safety and order of the city of North Middletown, and the trade, commerce, and manufactures thereof, as the council may deem expedient; and to make all ordinances necessary and proper for carrying into effect the powers conferred and vested by this act.

*Eleventh.* To regulate the streets, alleys and sidewalks, and all improvements and repairs thereof, and tax the real and personal property in said city for the purpose of making such improvements and repairs as are deemed necessary; and no person residing in said city shall be required to work upon any road without the city; but said council shall have power to cause the sidewalks in said city to be graded, paved, or renewed or improved, in such manner as they may by ordinance direct, at the cost and expense of the lot-owners fronting or touching on such street or alley where such sidewalk is so improved, to be apportioned among said lot-owners; and a lien is hereby given to the city upon such lots for the payment of the costs and expenses of such improvements, which lien shall attach at the passage of the ordinance directing said improvements to be made, and shall have priority over all other liens upon said property, whether created before or after that time, except liens for State, county or other city purposes; and upon petition signed by two-thirds of the property-owners on any side of a street, asking the widening of that side or the building, grading or improvement of the sidewalk on such side, such improvement shall be ordered by the council, and the same enforced in the same manner that orders of the council for other improvements of the city are enforced, and at the cost and expense of the lot-owners fronting or touching on such side; to cause or compel all



persons having low lots or parts of lots to fill to grade and ditch under like proceedings. The costs and expenses of making improvements provided for in this section shall, after thirty days from completion of improvement, be listed with the collector, and by him collected as other taxes; and the collector shall have power to sell and convey the same upon order of the council: *Provided*, The same right to redeem shall exist as in the sale of real estate sold by sheriffs.

*Twelfth.* To regulate and prescribe the manner of the construction of chimneys, fire-places, stove-pipes and flues, and to compel the alteration of such as are improperly constructed; to prevent the overcrowding of houses with occupants, and to declare such overcrowded houses, or such houses as are unhealthily located, to be nuisances, and, if deemed expedient, to order and enforce the tearing down of the same at the owner's expense.

*Thirteenth.* The council shall have power to appoint all officers and agents they may deem proper and necessary to carry into full effect the powers hereby conferred, and to prescribe their powers and duties, and to require bonds of such as they see fit, with approved security.

*Fourteenth.* The council shall meet once each month, and oftener if they see proper, and they shall designate by ordinance the date of their regular monthly meeting, and make such rules or by-laws for their own government as they may deem proper.

*Fifteenth.* They may cause new streets and alleys to be opened, proceeding as is required to open county roads or turnpikes; and they may accept by gift, or upon reasonable conditions, any street or alley that may be offered to said city, and may grade and macadamize the same at the expense of the city.

#### ARTICLE IV.

§ 1. The following city officers, namely: The assess- Officers.  
or, treasurer, collector, attorney, clerk, street com-

sioner, city physician, members of the board of health, and the officers of election, shall be elected by the board of council of said city ; and said council is authorized and empowered to prescribe their duties, fix their salaries or wages, require and take their bonds for the faithful and proper discharge of their duties, investigate their official acts, fix their terms of office, not to exceed two years, and terminate the same at pleasure.

Assessor.

§ 2. Property shall be listed for taxation as of the tenth of January each year, and the assessor shall complete his work by the fifteenth of February, and submit his books to the council at their regular meeting in March ; said council shall supervise said assessor's books, fix the rate of tax for the year, also the tithe, and place the same in the hands of the city treasurer by the first day of April, on which day said taxes are due and payable.

Treasurer.

§ 3. The city treasurer shall receive and receipt for all taxes or other debts due the city, and pay out funds on the order of the council, signed by the president and clerk of the board. All taxes not paid by the first of July shall have a ten per cent. penalty added, and be placed in the hands of the city collector for collection ; and said collector shall collect said taxes and penalty, and pay the same over to the city treasurer ; and after the tenth of September he shall advertise and sell property for taxes in the same manner sheriffs do, and under same regulations, and so forth.

§ 4. All officers appointed as provided herein are hereby granted all powers necessary for the full discharge of their duties, as may be prescribed by said council.

§ 5. The council shall have the power to designate the hours between which elections in said city shall be held ; also to fix the pay of the officers of said election ; also to appoint a marshal when a vacancy occurs, and to appoint deputy marshals whenever they see proper, and provide for their salary.

ARTICLE V.

§ 1. The marshal of said city shall be a peace officer, and the chief ministerial officer of the mayor's court; and shall arrest and commit to jail any and all persons whenever he finds them violating any of the penal laws of the State or city.

§ 2. The council shall have power to erect, maintain and regulate a jail for the safe-keeping of violators of the law or ordinances.

§ 3. All warrants and processes issued from the mayor's court shall be directed to and executed by the marshal, except when he be absent, sick or under some disability, when they may be directed to and executed by the sheriff, constable or deputy marshal.

§ 4. The marshal or deputy marshal shall attend <sup>Marshal.</sup> upon the mayor's court, and shall perform all the duties that would otherwise devolve upon the sheriff or constable by law; and for such services he shall receive the following fees, to be taxed as part of the costs in penal prosecutions: For arresting each violator of law or ordinance, one dollar; summoning each witness, twenty-five cents; summoning jury ordered to try an offender, one dollar; for other services, the same fees as are by law allowed to sheriffs and constables.

§ 5. The said marshal may execute within the limits of said city, or one mile beyond, any process from the Bourbon Circuit, Common Pleas or Quarterly Courts.

§ 6. The council may, by ordinance, allow the marshal an annual salary in addition to the fees as stated herein.

ARTICLE VI.

§ 1. The mayor of said city shall hold a court <sup>Mayor's court.</sup> therein, which shall be styled the Mayor's Court of North Middletown, and the same is declared a court of record, and records attested by the mayor of said court shall be evidence in all courts in this State.

§ 2. The said court shall have original jurisdiction of all causes arising from violations and breaches of

the ordinances and laws of the city, and concurrent jurisdiction with the circuit court in all criminal cases occurring in said city, or within one mile of its limits, except felonies ; and in civil cases, when the amount in controversy shall not exceed two hundred dollars, and the same jurisdiction as justices of the peace, and the power and authority of two justices in holding examining courts, inquiring into charges of felony, and committing and recognizing offenders under said charges, in granting and hearing and receiving returns of writs of injunction, attachments, and *habeas corpus*.

§ 3. For the trial of civil causes, the said court shall be held on the first Monday in each month, and may set the causes for any particular day, and continue the term from day to day until the business is disposed of ; and for infractions of the laws or ordinances of the city the court shall be open at all times, and shall cause to be summoned, when deemed necessary, a grand jury, who shall inquire into and present or report bills of indictment upon all matters which shall come to their knowledge, of which said court has jurisdiction in said city and within one mile of its boundary, and the court shall dispose thereof in the same manner as the circuit court.

§ 4. Appeals to the circuit or common pleas court shall be allowed in all cases where the amount in controversy exceeds ten dollars. The mayor shall be entitled to the same fees as are by law allowed to justices of the peace for similar services. The mayor may direct and cause offenders, under charge of the marshal, to work out their fines at the rate of one dollar per day on the streets when unable to pay said fines.

#### ARTICLE VII.

§ 1. All ordinances of the town of North Middletown, and all special acts of the General Assembly relating to said town now in force, and not in conflict with this charter, shall remain and continue in force until repealed.

§ 2. All general laws relating to towns and cities, and not inconsistent with the provisions of this charter, shall apply to the city of North Middletown.

§ 3. The present board of trustees of North Middletown shall fix the places for holding the first election provided for by this act, and appoint two judges and a clerk to hold said election; and the council herein provided for shall, by ordinance, fix the places in said city thereafter, and appoint the officers of election.

§ 4. The poll-books of the first election shall be returned to the office of the clerk of Bourbon County Court, and shall be compared within two days thereafter by the county judge and county clerk, who shall issue certificates of election to the persons receiving the highest number of votes, in duplicate, and deliver one copy to each of the persons elected, and the other copy shall thereafter be delivered with the poll-books to the mayor of said city for preservation in his office.

§ 5. This act shall be in force from and after its passage.

Approved March 11, 1890.

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## CHAPTER 328.

AN ACT to amend an act, entitled "An act to incorporate the Valley Turnpike Road Company," approved February twentieth, one thousand eight hundred and eighty-four.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to incorporate the Valley Turnpike Road Company," approved February twentieth, one thousand eight hundred and eighty-four, be, and the same is hereby, amended as follows: That the citizens, as well as the lands along

said turnpike, and within one mile thereof, be, and they are hereby, required to work out their road-tax upon said turnpike at the same rate and upon the same terms as the road tax upon county roads is required to be worked out in the county of Mason, except that said work and tax shall be under the control and management of the president or superintendent of said Valley Turnpike Road Company, in lieu of an overseer of roads; and for the purposes of said act, said territory embraced herein shall be considered a road district, and governed by the road laws of the State.

§ 2. This act to take effect from its passage.

[Became a law March 12, 1890, without the approval of the Governor.]

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## CHAPTER 329.

AN ACT for the benefit of Johnie Thomas, of Fleming county.

WHEREAS, It appears that Johnie Thomas, of the county of Fleming and the Commonwealth of Kentucky, is a minor, and it further appearing satisfactorily that an urgent necessity exists therefor; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Johnie Thomas, of the county of Fleming and Commonwealth of Kentucky, son of James Thomas, and a minor, be, and he is hereby, invested with all rights, privileges and immunities of a citizen of full majority, and that all disabilities heretofore attached to him by reason of his minority be, and the same are hereby, removed, and he is invested with all the rights of an adult; and he is empowered to make contracts, and do all other things, except vote, that an adult may lawfully do: *Provided*, That nothing herein contained shall exempt said

Thomas from any liability incurred after the passage of this act on account of his infancy: *And provided*, He shall not sell or convey real estate.

§ 2. This act shall take effect from its passage.

[Became a law March 12, 1890, without the approval of the Governor.]

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## CHAPTER 330.

AN ACT to relieve D. L. Grace of the disabilities of infancy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That D. L. Grace, of Calloway county, be, and he is hereby, relieved of the disabilities of infancy, and declared to be an adult for all purposes except the right to vote.

§ 2. This act shall take effect from and after its passage.

[Became a law March 12, 1890, without the approval of the Governor.]

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## CHAPTER 331.

AN ACT for the benefit of Jacob H. Simpson.

WHEREAS, Jacob H. Simpson, of the county of Muhlenberg, was, at the August term, one thousand eight hundred and eighty-five, of the circuit court of said county, convicted of an offense against the laws of this State, and sentenced to confinement for one year in the State penitentiary, by which conviction he forfeited his right of suffrage and his right to hold office; and whereas, he has fully served out his sentence and paid the penalty of the law; and whereas, at the completion of the said term he returned to his home, and has, since said time, lived the life of a law-abiding citizen; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the said Jacob H. Simpson be restored to all the rights, privileges and immunities of a citizen of Kentucky, including the right of suffrage, and the right to hold office in said State.

§ 2. This act shall take effect from its passage.

[Became a law March 12, 1890, without the approval of the Governor.]

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## CHAPTER 332.

AN ACT to incorporate the Louisville Dime Savings Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Incorporation. § 1. That Abner Harris, E. B. Bacon, T. L. Jefferson, Frank Von Borries, Charles Bremaker, M. C. Peter, D. G. Parr, Otto Dolfinger, E. A. Hewett, A. Cornwall, J. M. Borntraeger, R. J. Browne, Harry Jefferson, Samuel Russell and A. J. Ross, and their associates, successors and assigns, be, and they are hereby, created a body-corporate, under the name of the Louisville Dime Savings Company; with power to have perpetual succession, to sue and be sued, contract and be contracted with; to have and use a common seal, and alter the same at pleasure; to acquire, hold, enjoy, sell, lease or rent real or personal property; to make by laws, and do such other acts as may be necessary for the proper conduct of the business of the corporation.

Location and objects. § 2. The principal place of business of said corporation shall be in the city of Louisville, and the business to be transacted by it shall be to receive and provide a place of safe deposit for savings, and to loan out or invest the same for the purpose of securing to depositors an income therefrom; to discount and negotiate promissory notes, drafts, bills of exchange and



other evidences of debt ; to loan money on real or personal security, and to purchase, hold and sell stocks, bonds and other securities for money, and to exercise all powers incident to the business of banking under the laws of this State: *Provided*, That any real estate obtained in satisfaction of any debt shall not be held for a longer period than five years. Promissory notes made negotiable and payable at said bank, or at any other bank, State or National, doing business in this State, and indorsed to and discounted by said bank, shall be placed upon the footing of foreign bills of exchange.

§ 3. The affairs of the corporation shall be conducted by a board of directors, consisting of not less than five nor more than fifteen stockholders. Within those limits the number of the directors shall be regulated by vote of the stockholders at any regular or called meeting. The first board shall be elected by the stockholders at their first meeting, and shall serve until the first Monday in January next ensuing, and succeeding elections shall be held annually on that day. The board shall, from their number, choose a president and vice-president. They may also choose a secretary and treasurer, which offices may be combined in one person. Bond shall be required of the treasurer in a sum to be fixed by the board of directors. Directors.

§ 4. The capital stock of the corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each ; and the corporation may commence business when not less than twenty thousand dollars have been subscribed and actually paid in. Upon a vote of two-thirds of the stockholders, the capital stock may, from time to time, be increased ; but the entire capital stock must not exceed five hundred thousand dollars: *Provided*, That fifty (50) per centum of any increase shall be paid in cash. Capital stock.

§ 5. The rate of interest to be paid depositors, and the notice required for the withdrawal of a deposit, Interest.

shall be regulated by the board of directors ; but said interest shall not exceed the lawful rate.

§ 6. The election to or acceptance of the place of director or officer of said bank shall not disqualify the person so elected from serving as director or officer in any other bank chartered by this State.

§ 7. This act shall take effect from its passage.  
[Became a law March 12, 1890, without the approval of the Governor.]

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## CHAPTER 333.

AN ACT to repeal an act, entitled "An act to prevent the drifting and floating of saw-logs down the Licking river below Salyersville," approved May seventh, one thousand eight hundred and eighty-six.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to prevent the drifting and floating of saw-logs down the Licking river below Salyersville," approved May seventh, one thousand eight hundred and eighty-six, be, and the same is hereby, repealed.

§ 2. All laws and parts of laws in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 18, 1890.

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## CHAPTER 334.

AN ACT to incorporate the Citizens' Bank of Princeton.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That there be, and is hereby, established in the town of Princeton, in county of Caldwell, in this State, a bank, with capital stock of fifty thousand dol-

lars, divided into shares of one hundred dollars each, same to be subscribed and paid in as hereinafter provided. The subscribers and owners of said stock, and their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of Citizens' Bank of Princeton; by that name to be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all places and courts of this Commonwealth; may have and use a common seal, and alter same at pleasure; and shall continue for a period of twenty-five years from and after the passage of this act; and, upon vote of a majority of three-fourths in value of the stock, may be continued for an additional like period.

§ 2. The bank, its business and affairs, shall be under control of a board of seven directors, each of whom shall be the holder, in his own right, of not less than ten shares of the capital stock.

§ 3. Samuel Garrett, G. L. Spink, R. R. Pickering, L. B. Sims, William Marble, W. B. Terry and J. D. Leech are hereby appointed commissioners to open books and receive subscription for capital stock of said bank. After the full amount of the capital stock shall have been subscribed for, the commissioners shall call a meeting of such subscribers, upon not less than ten days' notice to each, to be held in town of Princeton, for purpose of election, by such subscribers, of a board of directors, who shall hold their office until the second Monday in January next after such election, and until their successors shall be elected and enter on discharge of their duties. After first election, a board of directors shall be elected on second Monday in January of each year, by the stockholders, at a meeting to be held at said bank; and, after the first board, the directors shall hold their office for one year, and until their successors are elected and enter on discharge of their duties; and shall be duly sworn before entering on their duties. Each board shall, from their number, elect a presi-

dent and vice-president of the bank, who shall hold their offices until the election of the next board of directors, and until their respective successors shall be elected and enter on discharge of their duties. They shall also elect a cashier, and may elect such other officers, clerks and assistants as they may deem proper in the management of the business of the bank. Each officer shall, with good surety, to be approved by the board, enter into bond to the bank in such sum and with such conditions as the board may, by order or by-law, prescribe. The cashier and all other officers, clerks and assistants, except the president and vice-president, shall hold their positions at the pleasure of the board of directors.

Bills of exchange  
and deposits.

§ 4. The bank may receive deposits of gold, silver, bullion, currency, or any thing lawfully circulating as money, and repay same in such manner, at such times, and with such interest, not above the legal rate, as may be agreed upon with the depositors by special or general consent. It may borrow or lend money, buy or sell checks, bills of exchange, promissory notes, current or uncurrent money, bonds, stocks, mortgages and other evidences of debt, and do a general banking business; may take personal or other securities for payment of obligations, and dispose of such securities according to provisions an act, entitled "An act for the benefit of incorporated banks of Kentucky," approved March sixteenth, one thousand eight hundred and seventy-one, and such disposition shall pass valid title to same. May receive deposits from minors and married women, and their receipts, checks and acquittances shall be valid. All promissory notes and bills made negotiable and payable at said bank, or at any other bank, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon such foreign bills may be had upon them, jointly and severally, against drawers, acceptors and indorsers thereof.

§ 5. The bank may acquire, hold and use all such real estate, goods and chattels, as may be reasonably necessary for the transaction of its business, or which may be conveyed to it as surety, or in satisfaction of debt, judgment or decree, or which it may purchase at any sale made under any judgment, decree or execution in its favor; and it may sell and convey any such real or personal property at pleasure: *Provided*, It shall not hold or own any real estate for a longer term than five years, other than a lot of reasonable size on which it may maintain a building in which to transact its business. Hold real estate.

§ 6. The bank may begin its business when the whole of said capital stock shall have been subscribed for, and fifty per cent. of the par value of each share shall have been paid in, in lawful money of the United States. The balance of the capital stock shall be paid in as the board of directors may order, and until paid, the bank shall have a lien on each share of stock of the respective holders to secure payment of such balance. Stock may be transferred in such manner as the by-laws may prescribe, but only on the books of the bank.

§ 7. The board of directors shall have power to make all proper by-laws for the government of the business and affairs of the bank, so that same be not inconsistent with the Constitution or laws of the United States or of this State.

§ 8. Any vacancy in the board of directors may be filled by the board until the next regular election.

§ 9. Stockholders shall be individually liable to creditors of the bank for an amount equal to the par value of the stock held and owned by them respectively; but beyond this private property of stockholders shall not be taken for corporate debts of the bank. Liability of stockholders.

§ 10. Any authorized officer or agent of the State shall at any time have the right to examine the affairs of the bank.

§ 11. This act shall be in force from its passage.

Approved March 13, 1890.

## CHAPTER 335.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to amend and reduce into one the several acts in relation to the town of Danville,' approved March tenth, one thousand eight hundred and seventy-three," which act was approved February eighteenth, one thousand eight hundred and ninety.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Boundary.

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to amend and reduce into one the several acts in relation to the town of Danville,' approved March tenth, one thousand eight hundred and seventy-three," which act was approved February eighteenth, one thousand eight hundred and ninety, be, and the same is, amended as follows: The limits of said town is changed as follows: Beginning at the north-east corner of said town limits, and running in a western direction on a straight line to the Danville and Harrodsburg Turnpike Road to a stake at the corner between the lands of J. C. Caldwell and Sumner Roberts, and thence in a western direction on a straight line to the western line of the right of way of the Cincinnati Southern Railroad; thence in a southern direction with the western margin of said right of way of said railroad to the spring branch running out of J. T. Fackler's spring; thence in an eastern direction to the center of the bridge over said spring branch on said railroad; thence in an eastern direction with said spring branch as the limits now run.

§ 2. The limits or boundary of ward number one is changed as follows: Beginning in the center of the Danville and Lebanon Turnpike Road, at the western margin of the right of way of the Cincinnati Southern Railroad, and running thence in an eastern direction to the center of the said turnpike road and the main track of the said railroad; thence on in an east-

ern direction as the limits now run ; and by striking out the words beginning with these words : "Fackler's lane to gas-house lane," and adding in lieu thereof, "to Fourth street ; thence in a northern direction with Fourth street to the mouth of the alley running between Edward Flag's property and the property of Joe Tomlinson ; thence in an eastern direction with said alley or street to Second street ; thence in a northern direction as said line now runs."

§ 3. That section third of said act is amended as follows : By striking out these words in said third section, "and who is not a free-holder in said town."

§ 4. That the limits of ward number three are changed as follows : Beginning on Fourth street in said town, at the mouth of an alley that runs between the property of Edward Flag and Joseph Tomlinson, and running thence east with said alley or street to Second street ; thence north with Second street to Green street ; thence west with Green street to Third street ; thence with Third street north to Main street ; thence west with Main street to Fourth street ; thence south with Fourth street to the beginning.

§ 5. That section eighteen of said act be amended by striking out the word "thirty" and substituting therefor the word "sixty," where the same appears in said section ; and that said section eighteen shall read and be as follows : Every person shall be entitled Right of voting. to be registered who will be entitled to vote at the next succeeding April election ; that is to say, every male citizen of the town who, on that day, shall have attained the age of twenty-one years, and shall have resided in the town one year, and in the ward in which he offers to register sixty days before said April election, and has paid his town taxes in full for the previous year.

§ 6. This act shall take effect from and after its passage.

Approved March 13, 1890.

## CHAPTER 338.

AN ACT to amend an act, entitled "An act to incorporate the Henderson Belt Railroad Company," approved April thirteenth, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section two (2) of the act, entitled "An act to incorporate the Henderson Belt Railroad Company," approved April the twelfth, one thousand eight hundred and eighty-eight (Acts one thousand eight hundred and eighty-seven and eight, volume three, page four), be, and the same is, amended as follows: Said railroad may commence at or near the Ohio river, in the city of Henderson, and run thence to such points within, or not exceeding five miles from, the corporate limits of the city of Henderson, as will enable said railroad to connect with any other railroad that now enters, or may hereafter enter, the city of Henderson; but to be constructed under the restrictions mentioned in said section two of the original act.

§ 2. This act shall be in force from and after its passage.

Approved March 13, 1890.

## CHAPTER 339.

AN ACT to incorporate the Jackson Building and Loan Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That John C. M. Day, W. T. Hogg, Charles J. Little, Samuel H. Patrick, A. H. Hargis, James H. Hargis, John E. Patrick, J. Wise Higgins and James C. Patrick, their associates, successors and assigns, be, and they are hereby, created and constituted a

Incorporators



body-corporate, under the name and style of the Jackson Building and Loan Association; and by that name may sue and be sued, plead and be impleaded; shall have perpetual succession; may have and use a common seal; may acquire and hold real and personal estate, and sell and convey the same; and shall have and possess such other powers as are consistent with the objects of the association, and not contrary to the laws of this Commonwealth or those of the United States.

§ 2. The officers of the association shall be a presi- Officers.  
dent, a vice-president, solicitor, secretary and assistant secretary, if one be deemed necessary, and a treasurer, and any number of directors, not exceeding nine; and until the first election of officers hereinafter provided for, the corporators herein named, or their successors and assigns, shall constitute the first board of directors, and shall hold their places as such directors until the first election, which shall be held in July, one thousand eight hundred and ninety, and on the same day annually thereafter. The officers of the association shall be elected by the first board of directors from among their own number, and these shall hold their respective offices until their successors are elected and take their places; and thereafter the general officers shall be elected by the board of directors, either from among their own number or from among the stockholders.

§ 3. In elections, and at meetings for the transaction of other business, each member shall be entitled to one vote for each share of stock held by him; and women and infants, members of the association, may vote by proxy, married women and infants by their husbands and guardians, other women by any member of the association selected by them in writing to act for them.

§ 4. The corporators above-named, or any one of them, shall open books for the subscription of stock, and whenever one hundred shares shall be subscribed,

said association may go into operation ; other shares may be subsequently subscribed until the stock in each class shall be complete. The subscribers in any class shall pay correspondingly to the dues paid by original subscribers, with interest at such rate, not exceeding six per cent., as the association may prescribe by its by-laws ; and no stockholder shall hold or acquire at any time a majority of the shares in any one class ; stock in all cases shall be transferable on the books of said association as may be provided in the by-laws.

§ 5. The object of this association being to enable its members, by their savings and accumulations, to acquire homes and other property, its business shall be to loan its capital as paid in, and the accumulations thereof, only upon mortgages and liens upon real estate and good collateral, ample in amount to secure the same, preference being given in all cases to members of the association ; and said loans shall be made at such rates of interest, not exceeding six per cent., as may be agreed by the parties thereto.

Penalties for non-payment of installments.

§ 6. The corporation may provide in its by-laws what reasonable penalties shall attach for failure to pay the installments of stock at the time fixed therefor, and shall have full power to enforce such penalties by reasonable fine or forfeiture of such stock. It may provide also upon what terms members desiring to do so may withdraw from the association, and may also direct what officers shall be required to execute bonds with security for the faithful performance of their duties, and the amount of penalties in such bonds ; and said bonds, when executed, shall be fully binding upon the obligors therein ; and may, of members, require the payment in advance, as may be fixed, by an amount per week, monthly or annually, of a contribution by way of payment of ordinary expenses on each share ; and also fix an initiation fee on each share.

§ 7. The officers and directors may, from time to

time, adopt any rules for conducting the business of the association applicable to the entire association, or particular rules or sets of rules applicable to each class, which rules and by-laws may be altered, from time to time, in such manner as may be provided in the original by-laws, none of which, however, shall be in conflict with this act or the general law.

§ 8. Said corporation, for the purpose of erecting buildings or securing lands, either as a general investment or for the purpose of sale, or for the benefit of members, upon such terms as may be agreed upon, or for other good purposes in accord with the safety and good of said association or any of its classes, may issue its bonds; but no bonds shall be Issue bonds. issued without the consent of the association, which bonds shall bear a rate of interest not exceeding six per cent. per annum, payable annually or semi-annually.

§ 9. In addition to the mortgage or other lien, or other security which may be given by a stockholder to the association to secure any loan which may be made, a first lien is hereby given to the association upon the interest and stock of any such stockholder in said association to secure it in such indebtedness.

§ 10. A new class or classes may be opened, and deposits or dues paid in thereon, at any time the board of directors may determine; the board of directors and officers, as heretofore provided, shall be elected by the class longest in existence, and there shall be but one board of directors, and these shall govern all the affairs of the association; each class shall be known and designated by a particular letter of the alphabet or number. No part of the profit or loss of any one class shall be credited to or charged against any other class; but in all things, except as herein provided, each class shall be treated as separate and distinct; but two or more classes may be opened or conducted at the same time.

§ 11. No class shall consist of less than one hundred

shares ; no weekly or other dues or payment on a share shall be greater than five dollars nor less than twenty-five cents. Installments or dues may be required to be paid at such times and periods as the board of directors may fix ; shares may be fixed at not less than one hundred and not more than one thousand dollars par value ; shares may be required to continue for a certain designated time, or until the net accumulations will enable the shares of a class to realize a designated sum ; interest on loans may, by agreement, be charged and deducted from the sum loaned in advance, but the rate of interest shall not exceed six per cent.

Withdraw from  
company.

§ 12. Provisions may be made in the by-laws, if deemed expedient, for allowing stockholders in any particular class to withdraw from any such class, or from the association, upon such terms as may be just. The board of directors, if they deem it expedient, may open a building class, in which, with a borrowed or paid-up fund, land may be purchased and buildings erected, to be sold to the members of such class or others, preference being always given to members, and paid for in such manner and on such payments as may be agreed upon.

§ 13. The board of directors may employ such attorneys and agents to act for the association as, in their judgment, the business may require, and may fix the compensation for the services performed.

§ 14. No lands shall be held or owned by said association outside of Breathitt county, unless in some contingency the association should be compelled to buy such to secure a debt.

§ 15. This act shall take effect and be in force from its passage.

Approved March 13, 1890.

## CHAPTER 340.

AN ACT to amend an act, entitled "An act to incorporate the Lincoln County Building and Savings Association."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section eight of said act be amended by striking out all of section eight down to the word "number," and before the word "but," in the fifteenth line of said section, and insert in lieu thereof the following language: "The association, after its first organization, may issue series of stock or shares in the association as often as the board of directors may deem for the best interest of the association. Said new series of stock or shares shall participate in the profits of the association in proportion to the amount of money paid in upon them. When any series of shares shall have been fully paid up, the association shall pay to each holder thereof one hundred dollars for each share of stock, and so on as each series mature, until all have been fully paid off."

§ 2. That all of section sixteen be repealed and amended by inserting in lieu thereof, as section sixteen of said act, the following language: "The association will purchase any of its shares of stock, but no share shall be purchased until it has been fully paid off for at least one year. For shares which have been fully up for more than one year, the association shall pay for said shares the amount paid in upon the stock notes, and seventy-five per cent. of the earnings or profits; but the association shall not purchase any share of stock which has been, in any way, mortgaged or pledged to the association, or otherwise, except in ratification of such mortgage or pledge. The association shall not apply, at any time, more than fifty per cent. of the unappropriated funds in the treasury to the purchase of shares."

§ 3. This act shall take effect from and after its passage.

Approved March 18, 1890.

## CHAPTER 341.

AN ACT to incorporate the Beattyville Street Railway Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Incorporators.

§ 1. That J. M. Beatty, C. B. Hill, John H. Beatty, R. C. Hill, their associates and successors, be, and they are hereby, created a corporation, under the name and style of the Beattyville Street Railway Company; and by said name shall have perpetual succession, may sue and be sued, plead and be impleaded; have and use a common seal, alter the same at pleasure; contract and be contracted with.

Time to commence business.

§ 2. Said corporation shall have the power to construct, maintain and operate single or double track railways, and may use as motive power either horses or cable, or such of them as may be deemed necessary, or any other power now used, or which shall hereafter be used by street railway companies. It shall have the power to construct and operate all necessary side-track, curves, turn-tables, turnouts, depots, stables, shops and other needed structures; and said railway may construct and operate its line or lines of railway over any or all of the streets of the town of Beattyville, and also to any point or points within a distance of five miles of said town, and shall have the privilege of, at any time, extending its existing lines, or of constructing others, as the growth of the town of Beattyville or the company may require: *Provided*, Said company shall, within three years from the passage of this act, begin in good faith the construction of said street railroad, and each year thereafter construct one mile of said road: *Provided, however*, That before the said company shall run over or across any street or alley of said town of Beattyville, the consent of the board of trustees or board of councilmen shall first be procured thereto.

§ 3. The capital stock of said company shall be ten

thousand dollars, and may be increased from time to time as the majority of the stockholders may direct, and shall be divided into shares of twenty-five dollars each. Said corporation shall have the right to commence business when five thousand dollars of *bona fide* subscription shall be received, the same to be paid as required by the board of directors or either of them; may open books and receive subscriptions to the capital stock of said company, and such books of subscription may be opened and subscription received at such time and place, and upon such notice thereof, as any two corporators may deem proper.

§ 4. The stockholders representing a majority of the stock subscribed for may have power to elect the first board of directors, who shall serve for one year or less, in the discretion of a majority of the stockholders, from the time of their election, and thereafter said stockholders of said company shall annually meet and elect their board, transact any other business for the good of the corporation, and may change the date of annual meetings, if a majority of the stockholders so decide. The board of directors shall elect from their number a president, and may appoint such other officers to manage the affairs of the corporation as may be necessary; and in case of death or resignation of any member of the board, the vacancy may be filled by the balance of the directors; said board to make such by-laws as the good of the corporation shall demand.

§ 5. If the line or lines of the corporation traverse or infringe upon any private property, the same shall be compensated for to the owner, and if no agreement can be arrived at, the said corporation may proceed to condemn the property by writ of *ad quod damnum* according to the law regulating such proceeding.

§ 6. This act shall take effect from its passage.

Approved March 13, 1890.

## CHAPTER 342.

AN ACT to incorporate the North Kentucky Summer Institute, at Cynthiana.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an institution of learning is hereby established, by the name and style of the North Kentucky Summer Institute, the purpose of which shall be to furnish a summer school for the instruction and better qualification of teachers, and such others of both sexes as may desire to attend. The said institute shall be under the control of D. W. Batson, C. A. Leonard and T. J. Smith, or their successors, as associate principals, and a board of council, constituted as hereinafter described. The successors of the principals shall be determined by said principals in manner and way as they may themselves decide, and the corporate name of the institution shall be "The Principals and Board of Council of the North Kentucky Summer Institute."

§ 2. That the said principals shall have power to employ assistants, if necessary, and to provide a course of instruction for said school, which shall embrace all studies now taught in the common schools of the State of Kentucky, and such other studies as may be thought desirable for those in attendance, charging therefor such rates of tuition as they may deem proper. The principals shall have power also to provide a seal of the institute, and to make and enforce such rules and regulations for the government of said institute as they may think necessary for the accomplishment of the purpose of the incorporation. The said principals, by and with the consent of the board of council, shall have power also to grant a certificate of proficiency to such as may complete the prescribed course of study in any subject of study or group of studies, to which certificate the seal of



the institute shall be affixed, with the signatures of the principals and the president and secretary of the board of council.

§ 3. That the board of trustees for the graded city school of Cynthiana, Kentucky, shall, for the present, and as long as satisfactory arrangements can be made for the occupancy of the grounds and buildings of the Cynthiana graded city school by said institute, be constituted the board of council of said institute, with powers as indicated elsewhere; and the superintendent of the common schools of the county shall be *ex officio* vice-principal, and lecturer on school law and organization.

§ 4. That the regular annual session of the county teachers' institute may be held, provided satisfactory arrangements be first made with the county superintendent of the county, in connection with the said North Kentucky Summer Institute, during which the syllabus provided by the Superintendent of Public Instruction shall be used and followed.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 18, 1890.

#### CHAPTER 343.

AN ACT for the benefit of common school district number one, in Grayson county.

WHEREAS, Common school district number one, in Grayson county, is indebted to the estate of Blue Harrel, deceased, in the sum of one hundred and fifty dollars, money borrowed in aid of the construction of its new building, which sum is now due and is a lien on the property; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of said district are hereby empowered, for the purpose of discharging said in-

debtedness, to levy for the year one thousand eight hundred and ninety a per capita tax of not exceeding fifty cents on each white male in said district over twenty-one years of age, and a tax not exceeding twenty-five cents on each one hundred dollars' worth of taxable property in said district, to be collected as other taxes are collected.

§ 2. That said trustees are empowered to appoint a collector to collect said tax, who shall have the same power to collect by distraint as sheriffs have in the collection of the State revenue, and he shall be allowed six per cent. commission for his services. He shall be required to give bond, to be approved by the board of trustees, for the faithful performance of his duties, and for the collection of said tax within three months after he qualifies, and for the payment of same on said debt as said board may direct; and if any balance should be in his hands, that he will pay it over to the county superintendent, to be placed to the credit of the said district.

§ 3. That this act shall take effect from and after its passage.

Approved March 14, 1890.

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## CHAPTER 344.

AN ACT prohibiting any person from riding or driving on any sidewalk within one-half mile of Owensboro, on Frederica street extended, known as the Livermore road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it is hereby made unlawful for any person to lead, ride or drive any mule, horse or other animal, or any carriage, buggy, wagon or other vehicle over, on, along or across any sidewalk or pavement, whether the same be made of brick, plank, cinders or other material, within one-half mile of the corporate limits

of Owensboro, on Frederica street extended, known as the Livermore road ; and any person guilty of said offense shall be fined not less than two nor more than ten dollars, to be recovered in the city court of Owensboro (jurisdiction being hereby conferred on said court for such purpose) in the same manner as fines for violation of the ordinances of said city are now enforced : *Provided*, It shall be lawful to ride or drive across said pavements or sidewalks at the regular entrances to stables or lots thereon.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1890.

#### CHAPTER 346.

AN ACT to prohibit the running at large of stock in certain parts of Livingston county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful for any horse, sheep, hog, mule, jack, jennet, cow, steer, bull, or other stock, to run at large between the first day of May and the first day of December of each year, within the following boundary in Livingston county, Kentucky, to wit : Beginning on the top of the Ohio river bank at the lower corner of W. H. Sanders' land on said river, and running down the river on the top of the bank, with the meanders thereof, to what is known as the Henry Baynes corn-pen on the Bunn farm ; thence from said point at right-angles to low-water mark, and with the meanders thereof, to a point opposite the beginning ; thence to the beginning.

§ 2. Any person violating this act shall be deemed guilty of a trespass, and fined as now provided by law for said offenses ; shall, in addition thereto, be liable in a civil action to the party damaged for double the amount he may be damaged.

§ 3. This act to take effect from its passage.

Approved March 14, 1890.

## CHAPTER 347.

AN ACT 'to incorporate the city of Middlesborough, in Bell county, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That so much of the county of Bell as is included in the following boundary, to wit: Beginning at a point in the middle of the Louisville and Nashville Railroad track, two hundred yards northwardly from the northern crossing of the Middlesborough Belt Railroad and said Louisville and Nashville Railroad, running thence parallel to said Middlesborough Belt Railroad and two hundred yards distant therefrom westwardly, southwardly and eastwardly, to a point in the middle of the Louisville and Nashville Railroad track, two hundred yards southwardly from the southern crossing of said belt and Louisville and Nashville Railroads; thence due east one mile; thence due north to a point which is due east from the beginning; thence west to the place of beginning; courses by magnetic meridian of one thousand eight hundred and ninety, variation two degrees, fifteen seconds east, be, and the same is hereby declared to be, a city; and the inhabitants thereof are created a body corporate and politic, with perpetual succession, under the corporate name of "City of Middlesborough;" with power to govern themselves by such ordinances and resolutions as they deem proper, pursuant to the terms of this charter and not in conflict with the Constitution or laws of this State or of the United States; with power to contract and be contracted with, sue and be sued, defend and be defended, in all courts; to acquire and hold property for municipal purposes by purchase or otherwise; to hold property which may be dedicated or granted for the purposes and intents for which the same may be dedicated or granted; to

use, manage, improve, sell, convey, rent, or lease such property, and to have a common seal and alter the same at pleasure.

§ 2. The corporate powers of the said city are divided in a legislative, an executive and a judicial department.

*Legislative.*

§ 3. The legislative power shall be vested in five councilmen, to be styled the "Board of Council of the City of Middlesborough," members of which shall be qualified voters, owners of real estate in said city, *bona fide* residents thereof for at least six months prior to their election, hold no other civil office, nor be directly or indirectly interested in any saloon, grocery, store or place where intoxicating liquor of any kind is sold by retail, nor be in arrears to said city for money collected or withheld without settlement or quietus therefor. The absence of any of these qualifications shall render a person ineligible as a member of such board; and it shall be the duty of the council so to declare, and proceed to fill the vacancy: *Provided*, That the qualifications aforesaid, except the one forbidding an interest in any saloon or place where liquor is sold by retail, shall not apply to councilmen chosen within two years after the passage of this act.

§ 4. The board of council shall be elected by the people on the second Tuesday in May, one thousand eight hundred and ninety, and biennially thereafter; and each member thereof hold his office for a term of two years; and before assuming his duties shall take an oath faithfully to perform the duties of his office.

§ 5. The board of council shall, upon its first meeting, elect one of its members mayor of the city of Middlesborough, who shall also be chairman of the board; and in his absence, a mayor and chairman *pro tempore* shall be elected from the members, but such persons shall not perform the functions of the office of mayor, except when the regular mayor has been

absent from Bell county for at least three days. Three shall be a quorum of the board, with power to act; and in the absence of a quorum, two members shall have power to adjourn from time to time, until a quorum is secured. The board shall have power to fill any vacancies which may occur, and, upon a tie vote, the person for whom the mayor and one councilman may vote shall be elected, and the person so chosen shall hold office until the next regular municipal election. The board shall meet at such times and place as they shall, by resolution or ordinance, agree upon. It shall judge the eligibility and election returns of its members, adopt rules for its proceedings and government, and enforce the same by appropriate fines, not exceeding ten dollars for each offense; and four members voting affirmatively may, for cause, expel any member.

§ 6. The members of the board of council shall be exempt from jury service and military duty.

§ 7. The board of council shall elect a clerk, who shall keep a complete record of all its proceedings. Immediately after the adjournment of each meeting of the board, every ordinance and resolution shall be published at least once in some newspaper published in Middlesborough, and it shall be the duty of the clerk to have such publication made, and to preserve a copy thereof, and such publication shall be made before any ordinance is enforced.

§ 8. The record and official proceedings of the board of council are hereby declared to be public records, and shall be preserved and be entitled to full faith and credit as such; and official copies may be read in all the courts of the Commonwealth with like effect as of other public records, and such copies of an ordinance or resolution shall be *prima facie* evidence of its having been published as required herein.

§ 9. No ordinance for the improvement of streets or sidewalks, or for the assessment of any tax, or for the establishing of any license, shall be valid, except the

yeas and nays thereon be recorded in the journal of proceedings. Any member of the board of council may call the yeas and nays on any vote.

*Powers of the Board of Council.*

§ 10. The board of council, in addition to other powers herein granted, shall have power, within the city of Middlesborough, by ordinance :

*First.* To levy and collect for municipal purposes an annual ad valorem tax, not exceeding one dollar on every hundred dollars of real and personal property made taxable by law for State purposes ; and, in addition, not exceeding twenty-five cents on every hundred dollars of such property for school purposes, and not exceeding fifty cents to meet the principal and interest of any bonded debt hereinafter authorized.

*Second.* To levy and collect annually, upon every male resident of the city twenty-one years of age or over, a head or personal tax of not exceeding two dollars.

*Third.* To provide for the straightening and dredging of Yellow creek, keeping it free from drift, protecting and supporting its banks, and preventing overflows thereof.

*Fourth.* To borrow money for making public improvements upon the credit of the city, and pledge the revenue for the payment thereof ; but the bonded indebtedness so created shall not exceed one hundred and fifty thousand dollars at any time.

*Fifth.* To appropriate money and provide for the payment of the debts and expenses of the city.

*Sixth.* To make regulations to prevent the introduction or spreading of contagious or infectious diseases in the city ; to pass quarantine laws for that purpose, and to enforce the same within one mile of the boundary of the city ; to establish and regulate hospitals or pest-houses in or outside of the city ; to make all regulations necessary to secure the general

health of the inhabitants of the city, and to regulate and provide for the burial of the dead.

*Seventh.* To prevent and remove physical nuisances at the cost and expense of the owners or occupants, or of the parties upon whose ground they exist, and define and declare by ordinance what shall be a nuisance within the limits of the city, and to punish by fine any person for causing or permitting a nuisance, either physical or moral.

*Eighth.* To provide the city with water, and to make all necessary contracts with any person or corporation for such purpose; to erect hydrants, cisterns, fire-plugs and pumps in the streets within or beyond the limits of the city.

*Ninth.* To construct and maintain sewers, bridges and culverts, and regulate the use of the same; clean and keep in repair streets, alleys, public ways and public grounds, and to drain the streets and public places; and to condemn land for draining and sewage purposes, in the same manner and under the same proceedings required in condemning lands for opening and widening or extending streets.

*Tenth.* To provide for the lighting of the streets, market-houses and other buildings, rooms and offices, with gas or in any other manner.

*Eleventh.* To adopt and ratify any contract which may have been made by the Middlesborough town company with any person or corporation for furnishing light or water to Middlesborough or the citizens thereof, or for establishing a street railroad in said city, or for dredging, widening or clearing Yellow creek, or for the erection of any public building which may be deemed necessary for city purposes: *Provided*, Said contracts shall appear to said board of council beneficial to said city: *And provided*, That nothing in this section shall be construed as authorizing the board of council to obligate the city for the payment of any money which may be due.



or may hereafter become due, for work done prior to the passage of this act.

*Twelfth.* To erect market-houses and provide for the government and regulation thereof.

*Thirteenth.* To establish a system of public schools; to fix and establish courses of instruction, select and compensate the teachers thereof, provide for the erection and repair of all needful school-houses or public buildings for the city, and to provide for inclosing and improving all public grounds.

*Fourteenth.* To license, tax and regulate auctioneers, merchants, retailers, stores, peddlers, brokers, pawnbrokers, tobacco factors, public halls, lectures, concerts and other places of amusements.

*Fifteenth.* To license, tax, regulate and suppress lectures, theatrical and other exhibitions, circuses, shows and amusements.

*Sixteenth.* To license, regulate and tax, restrain and prohibit billiard-tables, shooting galleries, coffee-houses, skating rinks, lottery offices, of lotteries legally authorized by the State of Kentucky, or agents thereof, bowling-saloons and ten-pin alleys; to pass ordinances inflicting fines on drunkenness, for keeping gaming-houses, or disorderly houses of any kind.

*Seventeenth.* To license, tax, and regulate wagons, drays, hacks, and all kinds of vehicles, and livery stables, pork-houses, exchange offices, telegraph offices, insurance offices, or the agents keeping the same; express offices or agents for same, real estate agents, hotels, taverns, restaurants, clubs, public boarding-houses entertaining transient guests, or other houses of public resort or entertainment.

*Eighteenth.* The council shall prescribe, by ordinance, the amount of tax for any license authorized by this charter, and not herein fixed, at any sum they may deem proper in their discretion, not exceeding five hundred dollars, and said council shall have power and authority to prescribe, by ordinance, such penalties as they may deem proper in their discretion

against those who may fail to obtain a license in any case wherein a license is required by this charter, not exceeding a fine of one thousand dollars.

*Nineteenth.* The council shall have power to provide for the prevention and extinguishment of fires, and to regulate and establish fire companies; to provide for or elect firemen, prescribe their duties and fix their compensation; and the volunteer members of such companies, who receive no pay, shall be exempt from serving on juries and of paying poll-tax, so long as they remain active members of such company; also to regulate and provide for the sweeping and cleaning of chimneys; to regulate and restrain the erection of wooden buildings, and to provide for the removal of same when built contrary to the ordinances of the city, and to provide for the condemnation and removal of unsafe walls; and to require that all new buildings shall be erected, as to their safety, subject to the approval of the city engineer.

*Twentieth.* To regulate the storage of gunpowder, rosin, tar, pitch, cotton, oil and all other explosive and combustible material, and to appoint some suitable person or persons, at seasonable times, to enter and examine such houses as they may designate in order to ascertain whether any of such houses are in dangerous condition with reference to fires, and to cause such as are in a dangerous condition to be immediately put in a safe order and condition.

*Twenty-first.* To erect and keep in repair accurate public scales, and to appoint a public weigher or weighers to attend to the same, and fix fees and compensation for his service; to establish standard weights and measures, and to regulate the weights and measures to be used in the city in all cases where the same are not provided for by law.

*Twenty-second.* To provide for the measurement of lumber and all other building material.

*Twenty-third.* To provide for the inspection, weigh-

ing and measurement of hay, stone coal, charcoal, fire-wood, beef, pork, bacon, meal, flour, whisky in barrels, hogsheads or other vessels, and coal oil: *Provided, however*, Nothing in this act shall be so construed as to authorize the inspection or weighing of any of the articles enumerated which are to be shipped beyond the limits of the city, except at the request of the owners thereof, or the owners having charge of the same.

*Twenty-fourth.* To pass ordinances requiring all coal and wood, when sold and delivered in the city, to be weighed or measured by the public weigher, and to fix adequate penalties for the violation of same. Also, requiring all illuminating oils, before being sold in the city, to be inspected by the public inspector.

*Twenty-fifth.* To control, regulate and determine the location of butcher's shops, slaughter-houses and glue factories.

*Twenty-sixth.* To provide for and regulate the inspection of butter, lard and other provisions; to regulate the vending of meat, and all other articles of food for consumption, within the city limits.

*Twenty-seventh.* To erect a work-house, poor-house, station-house and house of correction, or any or either of them; and to provide for the maintenance, regulation and government thereof, and of the persons confined therein; and to provide, maintain and regulate a public burial ground.

*Twenty-eighth.* To exact and compel persons arrested and held, under a *capias pro fine* from the Middlesborough City Court, to perform such reasonable work as may not be detrimental to health, either in any work-house or station-house, or on the streets of said city, or in preparing curbing, rock or other material for the same, or to do any other useful labor on public property; to regulate such labor, and fix the wages to be allowed therefor.

*Twenty-ninth.* To fix by ordinance the penalty for

the violation of any provision of this charter, and enforce the same by warrant or summons; and no indictment shall be necessary.

*Thirtieth.* The common council may grant the right of way over the public streets or other public grounds of the city to any railroad company or street railroad company, for such time, and in such manner, and on such conditions, as to them may seem proper, and shall have a supervising control over the use of same; and shall regulate the speed of cars, signals, and fare on street cars, and, under like condition and supervision; may grant the right of way that may be necessary to gas companies, water companies, electric light companies, telephone companies, and telegraph companies, or any like companies.

*Thirty first.* The common council shall have the power to define by ordinance what shall constitute vagrancy, and the punishment thereof.

§ 11. The board of council, aside from the indebtedness herein authorized, shall have no power to incur an indebtedness on behalf of the city which cannot be met out of the revenue of the current fiscal year.

§ 12. The board of council shall have power by ordinance to license, permit, regulate, restrain, or prohibit the sale of all kinds of vinous, spirituous or malt liquors within the limits of the city of Middlesborough, and may fix the penalty or fine for violation of an ordinance under this section at any sum not exceeding one thousand dollars: *Provided*, That no license granted under this section shall be for a less amount than five hundred dollars, or for a greater amount than one thousand dollars.

§ 13. The board of council shall have power, by ordinance, to prescribe the punishment, by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, of any person who shall molest, damage, or interfere any system of water-works laid in said city, or the pipe and mains, hydrants, or any

part thereof; and may, subject to the rules of any water company which may establish such system, select what persons shall have the right to open, tap, or make connection with such pipes or mains in streets, alleys, or public ways of said city.

*Police Force.*

§ 14. The board of council shall have power to elect a police force, the number, grades, and all regulations thereof, to be as provided by ordinance from time to time, whose term of office shall expire four years from the date of election.

§ 15. No person shall be eligible as a policeman who is not, at the time of his appointment, a citizen of the United States, a resident of Middlesborough for at least six months, except as to those appointed by the first board of council chosen, at least twenty-four years of age, or who is not moral, sober and sagacious, or who has been convicted of a felony, or who can not read and write the English language intelligibly, or who shall, after his election, or while a member of the police force, interfere in any election further than to vote.

§ 16. Every policeman elected shall be commissioned by the mayor; but, before receiving his commission, shall take an oath faithfully to perform the duties of his office, and that he possesses the several qualifications required in this charter; and that he will not, while he remains a policeman, interfere in elections further than to vote.

§ 17. The chief of police and every policeman shall have power to execute warrants of arrest, process, subpoenas and attachments for witnesses, whether the same be directed to them or not. They, and each of them, shall have power of arrest, with or without warrant, for any offense against the ordinances or municipal regulations of Middlesborough; and the same power of arrest for any offense against

the laws of the Commonwealth of Kentucky that the sheriff has. For any service under this section they shall be entitled to the fees allowed by law to sheriffs and other officers for such services, and to the same remedies for the collection thereof.

§ 18. The police jurisdiction of the city of Middlesborough shall extend to any point in Bell county within two miles of the boundary set forth in the first section of this act.

§ 19. Every policeman, before he is commissioned, shall give bond, with surety, before the mayor to the Commonwealth of Kentucky, in the sum of five hundred dollars, for the faithful performance of his office; and for any unlawful arrest, or unnecessary or cruel beating or assault in making an arrest, he and his bondsman shall be liable to the person so injured on said bond.

§ 20. Persons arrested for any bailable offense shall be placed in the station-house, if necessary, for safe-keeping, until taken before the city court for trial.

*Executive Department—Mayor.*

§ 21. The board of council shall elect one of their number mayor of the city of Middlesborough, who shall be chief executive officer of the city and chairman of the board of council.

§ 22. The mayor shall see that the laws and ordinances of the city are duly enforced and observed, and are faithfully executed. He may require information, in writing, from all officers of the city upon any subject relating to the duties of their respective offices.

§ 23. The mayor shall be the head of the police of the city, and may command them in the performance of their duties. He shall be a conservator of the public peace; and when deemed necessary by him to enforce the laws of the city to save life or property, or to quell riots or mobs, he may summon into service any of the citizens, either civil or military, and in

such cases he must be present and command in person. The board of council shall, by ordinance, prescribe suitable fines and penalties for disobedience of the mayor's orders and summons.

§ 24. The mayor shall preside at all meetings of the board of council, and decide all points of order. He may call special sessions of the board of council by reasonable notice, in writing, whenever, in his judgment, it may be necessary. He shall perform such other duties as may be prescribed by ordinance, not inconsistent with this charter.

§ 25. It shall be the duty of the mayor to sign the proceedings of every meeting of the board of council when the same shall have been written up by the clerk. He shall sign all ordinances and resolutions passed by the board of council.

§ 26. The mayor shall have full power to suspend or dismiss any policeman from the force for any cause he may deem sufficient.

#### *Chief of Police.*

§ 27. The board of council shall, as soon as it is organized under this charter, and on its first meeting, or as soon thereafter as may be, and biennially thereafter, elect a chief of police, who shall hold his office for a term of two years, subject to the power of removal, for good cause, at any time by the board of council.

§ 28. The chief of police shall be second in command to the mayor at the head of the police force of the city. He shall attend all sessions of the board of council, execute the orders thereof, and preserve order thereat.

§ 29. The chief of police shall attend the sessions of the city court of Middlesborough, and act as the sheriff of said court. It shall be his duty to execute all the process, orders and judgments of said court, and he shall be entitled to the same fees for like services, and to the same remedies for collecting his fees,

that a sheriff is entitled to. It shall be lawful for the board of council to pay him a salary, in addition to his fees, of not exceeding five hundred dollars per annum, to terminate when he ceases to hold office. He may appoint a deputy, by and with the advice and consent of the board of council, who shall have the same powers, and perform all the duties required of the chief of police, except that he shall not have any command over the police force of the city.

§ 30. It shall be the duty of the chief of police, or his deputy, to cause proceedings to be instituted against any person carrying on any business, or doing any act for which a license is required, without paying such license: *Provided*, That no person permanently residing or doing business in Middlesborough shall be convicted of such offense without at least three days' notice in writing to pay said license. The notice shall be over the name of the chief of police, and may be on a form to be prescribed by the board of council.

§ 31. The chief of police and his deputy, if one be appointed, shall execute bond, with good surety to be approved by the board of council, to the Commonwealth of Kentucky, for benefit of whom it may concern, that they will faithfully discharge all the duties of the office, and pay over all sums of money that may come into their hands to the persons entitled thereto.

. *City Attorney.*

§ 32. The board of council, as soon as they are organized under this charter, or as soon thereafter as practicable, and biennially thereafter, shall elect a city attorney, who shall prosecute all pleas of the Commonwealth, and all warrants or proceedings instituted for violations of the ordinances or municipal regulations of the city, in the city court. He shall be entitled to the same fees for like services, and the same percentage of fines, penalties and forfeitures as is given county attorneys and Commonwealth attorneys



for similar services. The board of council may pay the city attorney a salary, not to exceed five hundred dollars per annum, in addition to his legal fees. No person shall be eligible for city attorney except he be twenty-four years of age, having been a practicing lawyer for at least two years, and a resident of Middlesborough for at least six months before his election, except the first one elected under this charter. He shall take the oath required by a Commonwealth's attorney, which oath shall be conformed to his office. The city attorney shall hold his office for a term of two years, subject to removal at any time for good cause by the board of council.

*Judicial Department.*

§ 33. The judicial powers of this corporation shall be vested in and exercised by a court, styled the "Middlesborough City Court," which shall be held by a single judge, called the "Judge of the Middlesborough City Court," who shall be elected by the board of council at its first meeting, or as soon thereafter as practicable, who shall hold his office for the term of two years, and who shall take the same oath that circuit judges are required by law to take.

§ 34. No person shall be eligible to the office of judge of the city court, unless he be at least twenty-three years of age, and shall have been a licensed practicing lawyer two years next preceding his election; and who, except the first judge elected under this charter, has resided within the limits of the city at least six months next preceding his election.

§ 35. When, from any cause, the judge of the city court fails to attend, or if in attendance, can not properly preside in a cause pending in such court, the attorneys of the court who are present shall elect one of the members of the bar then in attendance, who shall possess the same qualifications prescribed by this charter for the regular judge, to hold the court for the occasion; and he shall accordingly pre-

side and adjudicate, having first taken the oath as prescribed for the regular judge by this charter. The election shall be held by the clerk of the court; and in case of a tie, he shall give the casting vote; and if there be no clerk, by the city attorney; and if he be not present, by any member of the bar of that court whom the members of the bar present may select. The person thus elected, during the period that he acts, shall have all the power, and be liable to all the responsibilities, of the regular judge of said court.

§ 36. The judge of the city court shall be commissioned by the Governor; he shall be a conservator of the public peace, and may order arrests for all offenses against the laws of the State or ordinances of the city of Middlesborough, and for those committed within his presence he may order arrests without warrant. He may administer oaths, take depositions, grant injunctions, and issue attachments, in the same manner and under the same restrictions, and in the same cases, that county judges are now or may hereafter be authorized by law.

§ 37. The said judge shall be clerk of his own court, but it shall be lawful for him to appoint a deputy clerk, who may perform all the duties of clerk of said court, and who shall take the same oath of office as is required by law of a deputy clerk of a court.

§ 38. The fees of said judge, whether acting as judge or clerk, shall be the same in all cases as are now or may hereafter be given by law to officers performing like services; and fees and costs shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations, as in courts having similar jurisdiction. The board of council shall have power by ordinance to pay said judge a salary, in addition to his fees, not to exceed five hundred dollars per annum.

§ 39. It shall be the duty of the said judge, on the first judicial day of each month, to furnish the city treasurer a statement, under oath, of all fines and

forfeitures paid to or collected by the chief of police during the month preceding, as may appear from the records of his court.

§ 40. The Middlesborough City Court shall have exclusive jurisdiction in all proceedings or prosecutions for the violations of ordinances of the city, and concurrent jurisdiction with the circuit court, but exclusive of the justices of the peace and of the county judge, of all violations of the penal laws of this Commonwealth arising within the limits of the city of Middlesborough, except cases of felony; and said court shall have power and authority to take recognizances from persons charged with offenses cognizable before said court, to appear and answer to the court, and to take recognizance for good behavior and to keep the peace, the same that the circuit courts have, and like power to take the same as forfeited and pronounce judgment thereon, and to enforce full compliance therewith. Said court shall have the power of a justice of the peace and of a county judge as an examining court; and shall have original concurrent jurisdiction without the limits of the city of Middlesborough, and co-extensive with the limits of Bell county, of all offenses within the jurisdiction of justices of the peace.

§ 41. The Middlesborough City Court shall have original jurisdiction, co extensive with Bell county, in civil actions in which the amount in controversy, exclusive of interest and costs, does not exceed two hundred dollars, which jurisdiction shall be concurrent with that of any other court in Bell county having jurisdiction within the limits before named.

§ 42. The said court shall have no jurisdiction of cases involving the title of real estate, or the enforcements of liens thereon; and in all actions begun in said court, if it appear that an adjudication upon the question of title to real estate, or the enforcement of a lien upon real estate, is necessary to a final settlement of the controversy, said court shall at once make

an order transferring the action to the Bell Common Pleas Court, or such court as may have at the time like civil jurisdiction, and shall forthwith cause the original papers in the case, together with a transcript of all orders made therein, to be filed in the office of the clerk of said court, and thereupon the action shall proceed in the last named court as if originally brought therein. The clerk of the Middlesborough City Court shall be entitled to a fee of one dollar for every case so transferred, together with his legal fees for making the transcript, to be taxed as costs against the unsuccessful party.

§ 43. Appeals shall lie from the judgments of said court to the Superior Court in all cases where the fine is two hundred dollars or more. In all cases where the fine is less than two hundred dollars, and more than twenty dollars, an appeal shall lie to the Bell Circuit Court. In cases where fines of twenty dollars or less are imposed or authorized under ordinances, the legality of such ordinances may be tested by the city by an appeal to the Bell Circuit Court, or by the defendant by a writ of prohibition from said court. Where any judgment shall be rendered by the Bell Circuit Court, as provided for in this section, either the city or the accused may appeal to the Superior Court.

§ 44. In all civil cases an appeal shall lie to the Bell Common Pleas Court, or any court having like civil jurisdiction, where the amount exceeds twenty-five dollars, exclusive of interest and costs, and under the rules and regulations prescribed by law for appeals from inferior courts to circuit courts.

§ 45. The Middlesborough City Court shall be a court of record, and have a seal, which shall be provided by the board of council, and kept in the custody of the judge of said court or his deputy clerk, if he shall so direct; and copies of the records of said court, certified over the signature of the judge, clerk or deputy

clerk, shall be evidence in any court of this Commonwealth.

§ 46. The said court shall be holden at such place within the city as the board of council may designate or provide; and in case no place shall be so designated or provided, at such place within the city as the judge may select.

§ 47. The Middlesborough City Court, so far as it is a police court or court of inquiry, shall always be open for the hearing and determining of such causes as are within its jurisdiction; and for the trial of civil cases there shall be a monthly term, to be held on the first Tuesday in each month, and continue as many days as the business may require.

§ 48. The said court shall have power to prescribe rules for the speedy and convenient administration of justice.

§ 49. The proceedings in said court shall be in the name of the Commonwealth of Kentucky, when the offense charged is a violation of the laws of the State; and in the name of the city of Middlesborough, when the offense charged is a violation of the ordinances of the city. The process shall be in the name of the Commonwealth of Kentucky; shall be made returnable to the city court of Middlesborough, and shall be directed to the chief of police, unless for special reason the judge of said court shall cause it to be directed to another, when it shall be directed to any sheriff, constable, or policeman. The process may go to any county in the Commonwealth.

§ 50. The fines and forfeitures recovered in said court in the name or in favor of the city of Middlesborough are hereby granted to the city of Middlesborough.

§ 51. All fines and forfeitures recovered shall be collected by the chief of police, or other officer to whom execution or *capias pro fine* is directed, and shall be paid by him to the city treasurer; but before the issual of final process the defendant may pay the fine

or forfeiture to the chief of police, who shall pay it to the treasurer as aforesaid.

§ 52. A return of "not found" on a *capias pro fine*, and of "no property found" on a writ of *fi. facias* issued on any judgment in the city court, shall authorize an attachment out of equity in favor of the Commonwealth or the city of Middlesborough against the choses in action or effects of the defendant or defendants, in the same manner that a return of "no property found" authorizes an attachment in equity on judgment in the circuit court.

§ 53. Upon all judgments of fines rendered by the city court, whether in favor of the Commonwealth or the city of Middlesborough, it shall be lawful for the city attorney to cause a "*fl. fa.*" to be issued, to be levied on the estate of the defendant; or to take a "*capias pro fine*," requiring the imprisonment of the defendant in the city work-house, if there be one, or the county jail, or confined at work upon the streets of said city, or in said work-house, at the rate of one dollar per day until the fine and costs are paid, unless such rate of wages shall be changed by the board of council; and when any fine or costs shall be paid by labor, the city shall not be liable to any officer for any part of such fine or cost.

§ 54. Witnesses in penal cases shall be allowed the same fees as are allowed witnesses in circuit courts, to be taxed as costs, and to be payable only in cases where judgment goes against the defendant.

§ 55. In all cases, where the amount involved is within the jurisdiction of circuit courts, all proceedings shall be governed by the provisions of the law governing proceedings in circuit courts. In all other cases the proceedings shall be governed by the provisions of the law governing police courts and courts inferior to circuit courts.

§ 56. In all cases where persons are presented to said court charged with an offense within its jurisdiction, the punishment of which is limited to a fine of

twenty dollars or less, ~~the~~ judge shall hear and determine the case, and impose such ~~fine~~ without the intervention of a jury. In all other cases the defendant may demand that the issues of fact be tried by a jury; and in all cases of drunkenness or disorderly conduct, in addition to imposing a fine, he may hold the offender to bail in any sum not exceeding one thousand dollars to keep the peace, and be of good behavior for any length of time not exceeding one year; or he may impose the fine without holding to bail; but in no case shall he hold to bail without imposing a fine; and thereupon the offender shall be forthwith committed to the work-house, station-house or county jail, and shall there be kept in custody until the bail be given, or the time for which it was required shall have expired, and until the fine and costs are paid or replevied, or satisfied by labor as provided by law.

§ 57. Whenever a vacancy shall occur in the office of judge of the Middlesborough City Court, the same shall be filled by the board of council for the remainder of the unexpired term.

*Assessor.*

§ 58. The board of council shall, during the month of September in each year, or as soon thereafter as practicable, and every two years thereafter, elect some person to be assessor of the city of Middlesborough, for a term of two years, who shall, before he assumes his duties, take an oath faithfully to perform the duties of his office, without favor to rich or poor, and shall execute a bond to the city of Middlesborough, for the benefit of whom it may appear, with one or more approved sureties, covenanting that he will faithfully discharge all the duties of his office. The board of council shall, by ordinance, fix the compensation of the assessor.

§ 59. No person shall be eligible to the office of assessor unless he be at least twenty-four years of age, a citizen of the State of Kentucky, and, except

as to the first assessor elected, a resident of Middlesborough for at least six months before his election.

§ 60. It shall be the duty of the assessor, on or before the second Monday in January in each year, to make a list of all the taxable property in Middlesborough, and return the same to the board of council. He shall list the soil as land, and everything attached thereto or built thereon as improvements; and such improvements, when owned by a person other than the owner of the soil, may be assessed in the name of the owner. He shall list real estate on his books by putting opposite the name of the owner or holder the number and block of each of his lots, according to the plat or plats of the Middlesborough Town Company, or other plats on record in Bell county, or which may hereafter be of record, together with the value per front foot, when the land fronts on a street or public way, and the aggregate value of each parcel of land. It shall be the duty of the assessor to obtain, at the expense of the city, copies of all recorded plats of lands in said city, or additions thereto, and to keep the same in his office, and to mark thereon from time to time changes in ownership, and subdivisions or aggregations of the lots. He shall list all and every kind of personal or movable property in Middlesborough, whether belonging to residents or non-residents, that is liable for State taxation, and in the same manner as provided by the law for the county assessor. He shall also list every male resident of Middlesborough twenty-one years of age or over. He shall list the residents of Middlesborough and owners of property in Middlesborough together, in one or more books, as near as possible in alphabetical order; and the said books shall be ruled in columns so as to show the above subject of taxation and values. The assessor shall value the several kinds of property at a fair cash value, and the amount of each kind of property shall be set out opposite the owner's name, together



with his head-tax, if he be a resident, upon said books.

§ 61. An assessment of any lands or improvements shall not be invalid for being made erroneously in the name of a person other than the true owner, nor shall the lien of the tax be affected thereby; but the assessor shall, upon learning his error, after notifying the true owner or owners by mail, correct the assessment in this respect; and all proceedings for the collection of the tax may then proceed, subject to the right of such owner to have the valuation corrected, upon showing good grounds at a meeting of the supervisors to be called for that purpose.

§ 62. It shall also be the duty of the assessor, if required by the board of council, to put applicants for license under their proper grade, under the license ordinances of the city.

§ 63. All property taxed according to value shall be valued as of the first day of November preceding in each year, and the person owning the same, or holding the same in the right of another, on that day, shall list it with the assessor, and remain bound for and pay the tax, notwithstanding he may have sold or parted with the property.

§ 64. All taxes levied under this charter shall be due and payable on the first day of May in each year, and the city of Middlesborough shall have a lien for taxes upon any and all property subject to taxation, which lien shall be superior to all incumbrances prior or subsequent.

§ 65. Where any tax-payer shall pay a license for doing any mercantile or manufacturing business, his stock of goods in the mercantile business, or his machinery and stock of raw material and manufactured goods in the manufacturing business, shall be taxed by ad valorem tax on only one-half of its assessed value.

§ 66. The assessor shall, before assessing any land or improvements, view the same by himself or an as-

sistant; and before assessing goods and chattels, go upon the premises where the same, or the greater part thereof, may be found. His failure so to do shall not invalidate the assessment; but a disregard of this duty will be a good cause for his removal by the board of council. Every person owning or holding taxable property in his own right, or as fiduciary, guardian or agent, shall return to the assessor or his assistants, when called upon, a true list of such property, real or personal, upon blanks therefor prepared by the assessor, together with the value of the personalty and amount of investments, and make oath there-to before said assessor, or one of his assistants, who are hereby authorized to administer the same.

§ 67. The assessor shall make diligent search among the conveyances and probated wills recorded in the Bell county clerk's office, and among the confirmations of sales in the Bell Common Pleas Court, and shall also, by personal inquiry, in his yearly rounds, seek to learn about every death among the owners of land or improvements in said city, by which the same may devolve upon others. He is directed not to assess any property in such a name as A. B's heirs, or A. B's devisees, or A. B's executor, or the like, but he may assess land or improvements thus: as "A. B's unknown heirs," or "unknown devisees," or the like, when the names can not be obtained, though diligent inquiries have been made. When the joint owners are more than three in number, three of the names, with the addition of "and others," shall suffice, and where remainders, reversions or future estates are outstanding, the holder of the particular estate shall be assessed with the words "holder of present estate" added to his name. But whenever the names of all the owners are not given, no lien for the taxes shall arise to the detriment of any purchaser from those not named, unless the assessment, by its own terms, or by reference to the city maps, identifies the land or improvements therein embraced.

§ 68. The assessor shall call on persons from whom taxes are collectable, and he shall administer to each one an oath to truthfully give in a full and complete list of taxable property of every kind in his or her possession, whether as owner or in the right of another, as of the first day of November last, and that he or she will true and perfect answers make to any questions asked concerning said taxable property; and he shall thereupon make out a list and assess the property of such persons. In the case of corporations, this section shall apply to one or more of the officers or agents of said corporation to be found in Middlesborough. If any person shall refuse to take such oath, or refuse to give in a list of his or her property, or the property of the person or corporation for which he or she may be agent, attorney or servant, the assessor shall assess the property from the best of his information.

§ 69. If any person, or officer or agent of a corporation, fail or refuse to give a list of his taxable property when called on so to do by the assessor, or give a false or fraudulent list, he shall be returned by the assessor on his books a delinquent; and it shall be the duty of the city court of Middlesborough, upon application of the assessor, to issue a rule against such delinquent, and compel true answers by process of contempt, and to adjudge against such delinquent the costs of the proceedings.

§ 70. The assessor, by and with the consent of the board of council, may appoint one or more deputies, whose compensation shall be fixed by the council, and who shall possess like qualifications, take a like oath, have like power, perform like duties, and give a like bond to the assessor.

§ 71. As soon as practicable after the supervisors have corrected the assessment lists, they shall be returned to the assessor, who shall from them make out the tax bills for ad valorem and head-taxes for the year in a stub book to be devised by him, and he shall

sign and turn them over to the collector of taxes and take his receipt therefor, showing the number of bills so turned over and the aggregate amount thereof.

*Supervisors of Taxes.*

§ 72. The board of council shall, in every year, appoint three discreet men as supervisors of taxes, and fix their compensation. The said supervisors shall qualify by taking oath faithfully to perform the duties of their office without favor to rich or poor; and they, or any two of them, shall meet in the office of the assessor on the Thursday following the second Monday in January in each year, and shall examine with care the assessor's books, and correct any errors of the assessor that may appear to them, whether in the names of the parties assessed or in the lists or value of the property or otherwise. They shall select a chairman by vote or lot, and he or either of said supervisors are hereby empowered to administer an oath to tell the whole truth concerning his taxable property to any person appearing to have an assessment corrected. The said supervisors shall hear the complaints of any tax-payer in person or by agent or attorney; and they may add to, diminish or increase any list of property, or the value thereof, or change the name of the party assessed, as may seem to them just. The said supervisors may adjourn from day to day until their work is completed, not exceeding two weeks. Any failure or informality in the election of said supervisors, or in their meeting or proceedings, shall not affect the validity of the tax.

*Collector of Taxes.*

§ 73. It shall be the duty of the board of council, on or before the third Monday in December, or as speedily as practicable thereafter of each year, and every two years thereafter, to elect some competent person to be collector of taxes of Middlesborough, who shall hold his office for a term of

two years, subject to be removed at any time by said board for good cause. The chief of police may be elected collector of taxes. It shall be the duty of the collector to collect all the ad valorem and head-taxes assessed under the provisions of this charter. He shall give a bond to the city of Middlesborough for the benefit of whom it may appear, with one or more sureties, to be approved by the board of council, to collect, account for and pay to the treasurer of said city, at such times and in such manner as may be prescribed by law or ordinance, all taxes due said city during his term of office, and to faithfully discharge the duties of his office. The board of council may notify the collector to give a new bond or additional sureties at any time, and upon his failure to do so within five days, or upon his failure to qualify and give bond within ten days after his election, it may vacate his office and elect another person.

§ 74. The collector shall take an oath faithfully to perform all the duties of his office. He shall account for and pay into the city treasurer all taxes and other public moneys for which he is bound, at such times and under such regulations as may be prescribed by the board of council. The compensation, fees and commissions of the collector, not otherwise provided for herein, shall be fixed by the board of council.

§ 75. The collector shall, from and after the day he receives the tax-bills in each year, proceed to collect the taxes due. Taxes paid by the fifteenth of February shall be reduced by a discount of three per cent.; those paid by the fifteenth of March, by two per cent., and those paid in by the thirtieth of April, by one per cent.

§ 76. All taxes unpaid on the first day of May shall thereafter bear interest at the rate of twelve per cent. per annum until paid, to be a lien on the property and otherwise enforced like the principal.

§ 77. The tax-bills to be made out and signed by the assessor shall have printed upon the back thereof the form of a distress warrant, running in the name of the Commonwealth of Kentucky, and directed to the collector of taxes of Middlesborough, in substance commanding him by distraint to make of the goods and chattels of the party assessed, by cash sale, the amount of his taxes, with interest added to the date of payment, with the commissions for the collector provided herein, and twenty-five cents costs for the warrant; and to return the warrant with his doings thereunder to the board of council on or before the first day of November in each year.

§ 78. It shall be the duty of the assessor to ascertain and take from the collector, on the tenth day of May in each year, all tax-bills in his hands which are unpaid at that date, and to fill up and complete and sign the blank distress warrant thereon, and deliver the same to the collector. This signature and attestation of the assessor upon the distress warrants shall be *prima facie* evidence that all steps in the levy and assessment have been properly taken, and that the bill is correct in all respects. The assessor shall take a list of the names and amounts contained in all such distress warrants, with the property described in the bill, and return such list to the board of council.

§ 79. The collector shall, during the months of May and June in each year, notify in person or by letter, and by advertisement in one or more newspapers, all persons who have failed, in whole or in part, to pay their taxes, that if the same, with interest, are not paid on or before July the first following, they would be collected by distraint; but the failure to give such notice shall not invalidate the distress warrant or the proceedings thereunder. The collector shall, between the first day of July and the first day of November (the return day of the warrant), in each year, except where the parties assessed are infants, persons of unsound mind, or fiduciaries assessed on behalf of a trust es-

tate, proceed to collect the unpaid taxes, with interest, and a commission to the collector of five per cent., by distraining the goods or chattels of the person owing the tax. When the goods distrained are themselves a part of the assessed property, or found upon the premises described in the tax bill, the levy of the warrant shall have priority over any mortgage lien, distress or attachment on said goods, except a levy for State tax. Where the person owing the tax is a married woman, the collector may distrain any property of her husband found upon the premises described in the bill. The levy, advertisement, sale and delivery to purchasers under the distress warrant shall be made in like manner, and be the same as in case of goods levied upon under execution on a replevy bond. The distress warrants, with the doings of the collector truly indorsed thereon, shall be returned by him to the board of council. Neither the want of a proper return or the falsity of a return, or the failure of the collector to do his duty, shall invalidate the city's lien on the property taxed, or any further proceedings to collect the tax. For any false return the collector shall be liable to the party aggrieved for all costs, commissions or damages arising therefrom.

§ 80. All tax-bills uncollected, in whole or in part, on the first Monday of May of each year, against any person (not under the disability of infancy, coverture or unsound mind) owning property in his own right, together with interest at twelve per cent. per annum, shall be deemed a debt from such person to said city arising as by contract, and may be enforced as such by all remedies given for the recovery of debts in any court of the Commonwealth otherwise competent for that purpose; and those bills assessed against an administrator, executor or trustee, shall be a charge against the whole succession or trust estate, and may be enforced accordingly in addition, in either case, to the other remedies herein given.

§ 81. Every guardian, committee, trustee or other

fiduciary appointed under the laws of Kentucky, or by a deed or will recorded in any county clerk's office therein, who has the management of any lands or improvements in said city, and every agent of a non-resident of Kentucky owning property in Middlesborough, who collects the rents thereof, shall, before the first of September of each year, pay out of the net income of such lands and improvements the city tax assessed upon the same in the preceding year, with accruing interest, before applying such income to the wants of or paying it over to his beneficiaries or employer, any instructions of the latter to the contrary notwithstanding; and in default thereof he shall be liable for such tax, to the amount of the income, which he might have so applied, which liability may be enforced in equitable proceedings, in which it shall not be an answer that the city has a security in its lien upon the lands and improvements.

§ 82. On and after the first day of November in each year, the collector shall proceed to notify all tenants of persons owing tax-bills that they must withhold their rents to the amount of such bills and interest thereon, and a commission of five per cent. The notices shall be in writing upon blanks, substantially in the form following: "The Commonwealth of Kentucky to the tenants of ———, a tax-payer of the city of Middlesborough, greeting: You, and each of you, are warned to withhold from (name of tax-payer) the rent due or accruing from you to him to an amount not exceeding (amount due on tax bills) dollars, with twelve per cent. interest, from the first day of May, one thousand eight hundred and ——— ———, and hold the same subject to the demands of the city of Middlesborough, until advised of the withdrawal of this garnishment.

"Witness: \_\_\_\_\_

"Collector of taxes of Middlesborough.

"\_\_\_\_\_ day of \_\_\_\_\_, 18—."



And they shall be served by copy, and the notice as returned kept by the said collector, and such service shall, until the tax is paid in full, with interest and commission, be a defense *pro tanto* to the tenant in any proceeding by the landlord for the recovery of the rent, and shall operate to transfer *pro tanto* to the city the rights and remedies of the landlord. The taxes on any parcel of property may thus be enforced out of the rents of any other parcel of the same owner or owners. The commission provided for herein shall go to the collector as compensation.

§ 83. On or before the first day of January in each year the collector shall make a full settlement before the board of council for all tax-bills put in his hands for collection during the preceding year; and he shall show that he has received the cash for such bills and paid the same to the city treasurer, or have the same duly returned, and show that he has made diligent effort to collect the same. The board of council, if satisfied that the collector has done his duty, shall give him a quietus; but said board may order the assessor to reissue any of such bills with an *alias* distress warrant, returnable on the first day of May following, and return them to the collector, with orders to make further efforts at collection, which bills must be finally returned by the first day of May following, unless proceedings for their collection are pending.

§ 84. On or after the first day of May, in the second year after the assessment, the board of council may direct suit to be brought by the city attorney, or other employed counsel, to recover any unpaid tax bills, and to enforce its lien to secure the same; which suits shall be instituted and conducted, in all respects, as suits to enforce a contract lien upon land. In such suits the Bell Common Pleas Court, or a court having similar jurisdiction, shall have jurisdiction of all amounts of twenty dollars and over, inclusive of

accrued interest ; and sums due for over one or more years, or on several parcels belonging to the same owner or owners, shall be included in the same petition and in the judgment. Where all the taxes remaining due by the same owner, or set of joint owners, with accrued interest, amount to less than twenty dollars, the city attorney, or other counsel, shall combine them in one action with other bills, or sets of bills, of amounts also less than twenty dollars, having due regard to the nearness of location in the assessed property, so that the aggregate of bills embraced in one suit may amount to fifty dollars or over. In actions for the sale of real property, the court aforesaid may determine annually, with or without written pleadings, the amount of any State tax or municipal tax or assessment due the city of Middlesborough, upon the property to be sold, and shall provide for the payment of the same in the judgment ; and, if the plaintiff fail to ask therefor, the purchaser shall be entitled, any time before payment of the purchase price, to a credit for the amount thereof.

*City Treasurer.*

§ 85. It shall be the duty of the board of council, during the month of June in each year, or as soon thereafter as practicable, and every two years thereafter, to elect a competent person to be treasurer of the city of Middlesborough for a term of two years, and who shall hold the office subject to removal for good cause at any time. The person elected treasurer, before entering into the discharge of duties, shall take an oath to faithfully perform all the duties of the office ; and said person shall execute a bond to the said city, with one or more sureties, for the benefit of whom it may appear, to be approved by the board of council, covenanting that he will faithfully keep and account for, according to law, all funds that may come to his hands as treasurer ; that he will, at any time, when called on by the board of council, settle his ac-

counts as treasurer, and pay over any money in his hands due the city to any person designated by the board of council, and that he will faithfully perform the duties of his office.

§ 86. It shall be the duty of the treasurer to receive and safely keep all money belonging to the city, and to pay the same under appropriations made by the board of council; but he shall only pay out money upon warrants drawn by the mayor and countersigned by the clerk of the board of council. He shall keep a fair and accurate account of all his receipts and disbursements, showing when, from whom and to whom, and for what purpose, and on what account, such moneys were received or paid, and shall exhibit the same, and furnish a copy thereof whenever called for by said board. He shall perform such other duties as may be required of him by ordinance, not inconsistent with this act, and shall receive such compensation for his services as the said board may provide.

§ 87. It shall be the duty of the treasurer to issue all licenses required under this charter and collect the money therefor, under such rules and regulations as the board of council may prescribe.

§ 88. If the treasurer fails to execute his said bond for twenty days after his appointment, the office shall, by order of the board of council, be declared vacated, and the vacancy be filled by the said board. The board of council may at any time require and notify the treasurer to execute a new bond or give additional security; and upon failure within five days after such notice to execute new bond or give additional security, the office may, by order of the board, be declared vacated and another person elected.

#### *Elections.*

§ 89. All elections by the people under the provisions of this charter shall be held on the second Tuesday of May in any year.

§ 90. The board of council shall, before such elec-

tion, appoint as officers thereof for each precinct three reputable and discreet persons, one as a judge and the other as clerk, and one as sheriff. Said officers shall be sworn faithfully to perform their duties by the city judge or any magistrate. If, from any reason, the said appointees do not act, it shall be the duty of the judge of the Middlesborough City Court to appoint other persons in their stead; and if the said judge refuses or fails to act, the chief of police may fill the vacancy by the appointment of competent persons. Officers of town elections shall perform similar services, be entitled to like pay, liable to the same penalties, and governed in all matters not inconsistent with this charter, and in the same way, as the officers of State elections, and shall be paid by the city.

§ 91. Every citizen qualified under the laws of the State to vote, and who has before said election paid his head or poll-tax for the preceding year, but none other, shall be entitled to vote at said municipal elections; and a list of the delinquent tax-payers shall be furnished the judge of said election by the said board of council. Said elections shall be conducted in all respects like a State election.

§ 92. All municipal elections in the city of Middlesborough shall be held at such voting-places as may be designated by the board of council from time to time. The board of council may at any time divide the city of Middlesborough into wards, and establish voting-places therein; or they may establish precincts in said city, and change the same. Every voting-place, ward, or precinct must be designated or established at least sixty days prior to the next succeeding election. Notice of the establishment of any ward or precinct, or designation of any voting-place, or of any change in any ward or precinct or voting-place, shall be posted in at least five of the most public places of the district, precinct, or ward affected, and shall likewise be published in some

newspaper in Middlesborough for at least two weeks prior to the next succeeding election.

§ 93. The officers conducting the municipal elections herein provided for shall, within two days after the election, certify under oath to the board of council the names of the persons elected, and return the certificate, together with the poll-books, to said board, and the certificates so returned shall be recorded by the clerk of said board in his official book.

§ 94. Whenever any two or more persons shall receive the highest and an equal number of votes for the same office, such election may be determined by lot in such manner as the board of council may direct. The municipal elections provided for in this act may be contested in the manner provided by law for contested elections of county officers.

§ 95. For the purposes of the first election to be held under this charter, the city of Middlesborough is hereby divided into two precincts; the first precinct shall consist of so much of the territory above defined as lies north of the center line of Cumberland avenue, extended on either end, to the limits of the city, and the voting-place therein shall be at or near the corner of said avenue with Twentieth street, on the north side of said avenue; and the second precinct shall consist of so much of the said territory as lies south of the line aforesaid, and the voting-place therein shall be on the south side of said avenue, at or near the office of the Middlesborough Town Company. At said first election, every voter who has resided for sixty days in one of said precincts, and is otherwise qualified under the laws of this State, shall be entitled to vote in his proper precinct; but nothing in this section shall be construed to change the qualifications of voters at subsequent municipal elections, or to abridge the power of the board of council to hereafter fix or alter the precincts in said city as provided in this charter.

§ 96. At the first election to be held under this charter, it shall be the duty of the county judge of

Bell county to appoint persons to act as judge, clerk and sheriff of the two precincts above-named, which persons shall take an oath faithfully to perform the duties of their respective offices before said judge or any magistrate; and if any of the officers so appointed fails to attend, those or the one present may fill the vacancy.

§ 97. When at any election there shall be opposing candidates or parties, it shall be the duty of the board of council to divide the officers of election in the several precincts, as near equally as may be, between the friends and supporters of the several candidates and parties.

*Public Ways.*

§ 98. Public ways, as used in this act, shall mean all public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares, and the same shall be under the exclusive management and control of said city, with powers to improve them by original construction or to re-construct them, as may be prescribed by ordinance.

§ 99. All streets, alleys, roads and public ways, which may hereafter be conveyed or dedicated by the Middlesborough Town Company or other person to said city, within the boundary of said city, or acquired by condemnation, are hereby declared to be the streets, alleys, roads and public ways of Middlesborough.

§ 100. The board of council may, by ordinance, cause any new public way to be opened, or old public way to be extended or widened, or may establish any market; and to that end may purchase any necessary land, or may procure the same to be condemned by the same proceedings now or hereafter given by law to railroad companies in like cases.

§ 101. The board of council shall have power to cause any of the public ways to be graded, paved, macadamized, curbed or guttered, in such manner as it may, by ordinance, prescribe.

§ 102. The original construction of any street, road, alley or avenue shall be made at the exclusive cost of the owners of lots in each fourth of a square, to be equally apportioned by the board of council according to the number of square feet owned by them respectively, except that corner lots (for twenty-five feet front, and extending back as may be prescribed by ordinance) shall pay twenty-five per cent. more than others for such improvements. Each subdivision of territory, bounded on all sides by principal streets, shall be deemed a square. When the territory contiguous to any public way is not defined into squares on either or both sides by principal streets, the ordinance providing for the improvement of such public way shall state the depth on the side or sides not defined in the square fronting said improvement to be assessed for the cost of making the same, according to the number of square feet owned by the parties respectively within the depth as set out by the ordinance.

§ 103. The cost of reconstructing public ways, streets or alleys, or repairing or keeping clean the same, and the cost of making foot-way crossings, shall be borne exclusively by the city.

§ 104. The cost of making sidewalks, including curbing, whether by original construction or by reconstruction, shall be apportioned to the front foot as owned by the parties respectively fronting said improvements, except that each corner lot shall have its sidewalk intersection included in its frontage.

§ 105. The board of council shall have power by ordinance to cause the digging and walling of public wells and cisterns, and placing fire-plugs and attachments to the street water-pipes on the public ways within said city, and to apportion the cost thereof against the owners of lots fronting the public ways to the middle of each square from the intersection at or near which the work shall be located, or by any other equitable mode of apportionment which

said council may, by ordinance, prescribe ; and liens shall exist against such lots for the respective apportionments, with like effect and like remedies as provided herein for the improvement of public ways. The cost of reconstructing or repairing wells, cisterns or fire-plugs, and attachments to street water pipes, shall be borne exclusively by said city ; and such reconstructing or repairing shall be done in such manner as the board of council may prescribe.

§ 106. A lien shall exist for the cost of the original improvement of public ways, for the reconstruction of sidewalks, for the digging and walling of public wells and cisterns, and for the making of fire-plugs and attachments to street water-pipes, to take effect from the acceptance of the work by the city engineer ; for the apportionment and six per cent. per annum interest thereon against the respective lots ; and payments may be enforced upon the property bound therefor by suit in equity ; and no error in the proceedings of the board of council shall exempt from payment or defeat said lien after the work has been done as required by ordinance ; but the board of council, or the courts in which suits may be pending, shall make all corrections, rules and orders, to do justice to all parties concerned ; and if such improvement be made as provided for by ordinance, in no event shall said city be liable therefor, without the right to enforce it against the property receiving the benefit thereof ; but no ordinance, for any original improvement mentioned in this charter, shall take effect until it is passed by a ye and nay vote at two meetings of the board of council at least two weeks apart, at least four councilmen voting in the affirmative, and until the ordinance, as first passed, shall have been published for at least one week in some newspaper in said city, unless said improvement be asked by a petition signed by persons owning a majority of the property liable therefor, when the ordinance may be passed at one meeting of said board by a majority ye and nay vote.



§ 107. All public work ordered by the board of council shall be let by the mayor, under the advice of the city engineer, to the lowest best bidder whose sureties are approved. Bids for such work shall be according to form or specifications furnished by the city engineer, and signed by the contractor and his sureties, and inclosed in a sealed envelope, which shall not be opened until the day fixed for closing the bids, and then by the city engineer, in the presence of the mayor; and when such contracts are approved by the board of council, they shall take effect. But work costing one hundred dollars or less need not be let to the lowest bidder.

§ 108. The board of council may, in its discretion, upon the petition of the majority of the property-owners on the part of a public way proposed to be improved, or well or cistern proposed to be dug and walled, grant them permission to do such work under the supervision of the city engineer, and in such time and on such condition as the said council may fix.

§ 109. In all actions to enforce liens as authorized by this act, a copy of the ordinance authorizing the improvement or work, a copy of the contract therefor, and a copy of the apportionment, each attested by the clerk of the board of councilmen, shall be proof of the due passage, approval and publication of the ordinance, of the due execution and approval of the contract, and shall be *prima facie* evidence of every other fact necessary to be established by the plaintiff in such actions to entitle him to the relief authorized to be given in this act; and in such actions the court shall provide in its order confirming any report of sale that the defendant, or either of them, or any one claiming through or under them, or either of them, or any creditor of theirs, or either of them, may, within two years from the date of such order confirming a report of sale, redeem the lands sold by paying to the purchaser the purchase price, with interest thereon from

the day of sale, at the rate of ten per cent. per annum, and all the taxes and assessments on and against such land paid by the purchaser, with interest thereon at the rate of ten per cent. per annum from the date of such payments; and in the event that there be no redemption within the time allowed, the order of confirmation shall be final, and a deed shall be executed to the purchaser or his assignee.

§ 110. The clerk of the board of council shall make out all apportionment warrants for which liens are given for improvements of public ways, wells, cisterns and water-plugs, as may be required by ordinance, and within two days thereafter shall enter the same upon a register for that purpose; and when the holder of said warrant shall have obtained payment, he shall notify the clerk of the board of council, and it shall be marked upon the register as paid. The clerk of the board of councilmen shall be allowed a fee of ten cents for the entry and indexing of such lien. A lien shall not be valid against a purchaser for valuable consideration without notice, unless it shall be so entered and registered within three months of the issuing of the apportionment warrant.

§ 111. The following steps shall be taken to fix a lien for the cost of public improvements on the adjoining lots:

*First.* An ordinance must be passed by the council, as provided herein, defining the improvement to be made.

*Second.* The mayor must advertise for contracts and award the work to the lowest best bidder.

*Third.* The contract with such bidder must be approved by the council.

*Fourth.* The work must then be done under the supervision of the city engineer.

*Fifth.* The work being completed, the engineer shall, if it be in accordance with the ordinance and contract, accept it, and report it to the council, to-

gether with a list of the lots and their dimensions, and the owners thereof. .

*Sixth.* The council then must apportion the work, as provided herein, among the owners of lots.

*Seventh.* The clerk of the council shall issue warrants against the lot-owners in favor of the contractor, stating the amount due him, which shall bear interest from the time of acceptance of the work by the city engineer, and specifying the name of the owner, and give a short description of the lot subject to lien. Warrants so issued shall be *prima facie* evidence that all proceedings preliminary thereto have been complied with as required by law. Upon this warrant the contractor, or his assignee, may bring suit in equity in the Bell Court of Common Pleas, joining all unpaid warrants growing out of the same contract in one suit; which shall in all respects be conducted like the suits upon liens on land.

#### *City Engineer.*

§ 112. It shall be lawful for the board of council to elect a city engineer, to hold his office for a term of two years; the time of his election, his salary and duties, shall be as may be fixed by ordinance, except as provided herein.

§ 113. The city engineer shall have as many assistants as the board of council may prescribe. He shall have the direction and supervision of the improvement and repairs of public ways, and other public works; the making of sewers and drains; straightening, dredging and control of Yellow creek. He shall establish the grades of all public ways, and keep a record thereof; make and keep correct maps of said city, and perform whatever other duties that may be imposed upon him by ordinance. The board of council shall pass all needful ordinances to give efficiency to this department.

*General Provisions.*

§ 114. The board of council shall have power to fill vacancies in any office to which it has the right to elect or appoint.

§ 115. For the purposes of taxation, the city of Middlesborough is hereby declared to be one district as to schools and school-buildings. It is also declared to be one district for taxation, for public buildings, bridges, sewers, the dredging, straightening, cleaning and controlling Yellow creek, and for all purposes of a general and public nature.

§ 116. The provisions of this charter as to ad valorem taxation shall not apply to any tools or machinery belonging to manufactories, or to any raw material for manufacture or goods manufactured in said city, for the space of five years from the passage of this act, but the same shall be exempt for that period.

§ 117. The board of council may borrow a sum not exceeding twenty thousand dollars for the expenses of the city government between the time of its organization and the collection of the first tax, and provide for repayment thereof out of the revenues of the first year, and, if necessary, levy a tax during that year for that purpose.

§ 118. Whenever in this charter the Bell Common Pleas Court, the Bell Circuit Court, or the Superior Court, are referred to, said courts, or either of them, shall be construed to be any courts of the like or requisite jurisdiction.

§ 119. Every citizen of Middlesborough shall be exempt from working on the county roads of Bell county.

§ 120. If, at any time, there shall be no newspaper published in the city of Middlesborough, any publication or advertisement required in this charter shall be made by printed or written notices posted for the time required herein on the building where the board of council shall hold its meetings. The clerk is directed to conform the numbering of the sections and

subsections of this charter to the foregoing amendments.

§ 121. This act shall take effect from and after its passage.

Approved March 14, 1890.

## CHAPTER 348.

AN ACT to incorporate the Newport Electric Street Railway Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That H. M. Healey, H. Buchanan and A. J. Incorporators. Parlin, their associates and successors, be, and they are hereby, constituted a body-politic and corporate, under the name of the "Newport Electric Street Railway Company;" and by that name may have perpetual succession, may sue and be sued, plead and be impleaded; may have and use a common seal; may receive, purchase and hold such personal and real estate or property as may be necessary for carrying on the business of the corporation, and the same to sell and dispose of at pleasure; and make all needful by-laws for their government, not inconsistent with the laws of the United States or of this State.

§ 2. The business of said corporation shall be to Business. construct, maintain and operate a street railway and its necessary branches, with all necessary switches, turn-outs or side-tracks, in the city of Newport, and to any point within the county of Campbell, not exceeding six miles beyond the present boundary line of said city.

§ 3. Said corporation is hereby authorized to make May contract with cities. and consummate any contract with the corporate authorities of the city of Newport, or other towns, cities,

or districts, or with any turnpike company ; and said turnpike company is hereby authorized to contract with this corporation for the use of any portion of its right of way for the ends contemplated in this act, or with the county court of Campbell county, or with private individuals, necessary to get the right of way along the public streets, roads and turnpikes, or other private property, for the purposes of the incorporation, and to successfully carry out their purposes ; and after construction, may purchase, sell to or consolidate with any other company in or out of the State of Kentucky : *Provided always*, That none of the streets of the city of Newport, or other cities and towns and districts, shall be used by said company, until the consent of the mayor and board of councilmen or city authorities of said city or cities and towns and districts shall have been first obtained, and an ordinance shall have been passed by the city authorities authorizing the same to be done, and prescribing the terms on which the same may be done.

Capital stock.

§ 4. That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of raising it to any sum not exceeding five hundred thousand dollars, if it should become necessary to effect the object of the incorporation ; that the said capital stock shall be divided into shares of one hundred dollars each, and may be subscribed and received by the company in money, real estate or general equipment of the road. All real estate so received for subscription, not necessary for the actual working and operation of said company, shall not be held for a longer time than three years, and must be disposed of in open market, with the right on the part of the company, by its board of directors, to make calls, from time to time, as the money may be needed ; and to make sales of the property subscribed for or on credit, or mortgage or lease said property to carry out the purposes of the incorporation, and upon such other as the board may deem best.

§ 5. That the said company may issue bonds, pay- Issue bonds.  
 able in such amounts, at such times, and in such  
 places, as they may deem best, not exceeding in all the  
 amount of capital stock issued, and may dispose of  
 the same to raise money to carry out the purposes of  
 the incorporation; and may make a mortgage upon  
 the property and franchises of the company, and upon  
 the real and personal property, to secure the payment  
 of the interest accruing upon said bonds, and of the  
 bonds themselves at maturity.

§ 6. That the persons hereinbefore incorporated, or Elect directors.  
 a majority of them, may organize said company by  
 electing a board of directors, to consist of either five  
 or seven members, who shall elect one of their num-  
 ber president; shall have power to elect such officers  
 as may be necessary to carry out the purposes of  
 this incorporation, and to fix the salaries of the presi-  
 dent and officers, and generally to act for the company.  
 That said board shall continue in office such time as  
 the persons electing said board may determine, not  
 exceeding one year, and until their successors are  
 appointed.

§ 7. That the said persons incorporated, or a major- Plan of raising subscription.  
 ity of them, or the board of directors after their elec-  
 tion, may determine the plan of raising subscriptions  
 to the capital stock of the company; and that all sub-  
 sequent boards of directors shall be elected by the  
 stockholders, each of whom shall be entitled to a vote  
 for every share owned; that said board shall have all  
 power before granted, and shall continue in office one  
 year, and until their successors are elected. The  
 stockholders may vote in person or by proxy. A  
 majority of the directors shall constitute a quorum  
 to do business.

§ 8. Said directors may adopt by-laws for the man- May make by-laws.  
 agement of their business. prescribing the duties of  
 their officers or agents, their terms of office and a  
 compensation, and such rules and regulations as they  
 may, from time to time, find necessary: *Provided*

*always*, Said by-laws shall not conflict with this act, or with the Constitution or laws of this State or the United States.

May operate street railways. § 9. The said company may operate said street railway by animal power or electricity, or may use dummy steam engines or other motive power.

Must begin work. § 10. Said corporation must begin the building of the road under this charter within two years from the passage of this act, and complete not less than two miles within five years from the beginning of construction of same. Said corporation shall have the powers of condemnation as prescribed by chapter ninety-four of the General Statutes of the Commonwealth of Kentucky.

§ 11. This act shall take effect from its passage.

Approved March 15, 1890.

## CHAPTER 349.

AN ACT to incorporate the Hamilton College Library Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Incorporators. § 1. That J. W. Porter, Sue Burroughs, Annie R. Bourne, Susie Fearhake, Eliza Johnson, Mattie O'Kelley, and their associates, teachers and students of Hamilton Female College, who are now members, or who may hereafter become members of the organization, be, and they are hereby, created a body-politic and corporate, by the name and style of the Hamilton College Library Association, located in the city of Lexington, county of Fayette, and State of Kentucky; and by that name and style may have and use a common seal, with power to alter and change the same at pleasure; and may contract and be contracted with, sued and be sued, plead and be impleaded, in all courts and places in this Commonwealth; and shall also have power to acquire, take and hold, by gift, grant, de-

Name and style of association.

Powers



wise or purchase, any real or personal estate, not exceeding the value of fifty thousand dollars, and to convey, exchange or dispose of same at pleasure for use of said society.

§ 2. That it shall be lawful for the members of the Hamilton College Library Association, as often as shall be required by their constitution, to elect a president, vice-president, recording secretary, corresponding secretary, treasurer and librarian, each of whom shall be either a teacher or pupil in Hamilton Female College, and who, upon their election, shall enter upon the duties prescribed by the constitution of the society; and the president, vice-president, recording secretary, corresponding secretary, treasurer and librarian so chosen, and their successors, shall be the corporators, and shall take and hold for the use of the society all the books, chattels, estate and funds of the said society, and in the corporate name may sue and be sued; and, in all suits against the corporation, service of process upon the president then in office shall be good against the corporation.

§ 3. That the members of said association shall also have power and authority to ordain and establish such rules, by-laws and regulations for their government as they may deem proper and necessary, and that are not inconsistent with the Constitution and laws of this Commonwealth and the charter laws and regulations of Hamilton Female College. They may also appoint such subordinate officers as they may deem proper and necessary for the transaction of the business of said association, and may remove such subordinate officers at pleasure; but the president, vice-president, recording secretary, corresponding secretary, treasurer and librarian shall hold their offices until their successors are chosen, as provided in this act.

§ 4. That all books and other property now belonging to said association shall be, and the same is hereby, vested in the said association as fully and com-

Officers and how  
chosen.

Other powers of  
officers and mem-  
bers.

Term of office.

Right and title  
to property now  
on hand.

pletely as if the same had been acquired after the passage of this act.

Length of existence of association.

Distribution of property when association ceases to exist.

§ 5. That it shall not be lawful for said association, at any time, to make a distribution of its books, or other property, or any portion thereof, among the members of said association; and that said association may continue to exist as long as Hamilton Female College continues as a separate and distinct institution for the education of young women, and is conducted under the auspices of that religious body known as the Disciples of Christ; and in case said association shall become extinct, or said Hamilton Female College shall become an annex or a part of any other institution, or cease to exist as an institution for the higher education of young women, or pass into the hands of some other religious body, then all of its books and other property shall, *ipso facto*, become vested in the Trustees of the Kentucky Female Orphan School now located at Midway, Kentucky, and conducted under the auspices of the Christian church, to be appropriated as they may think proper.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 15, 1890.

## CHAPTER 350.

AN ACT to extend the limits of the town of Winchester.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the present limits of the town of Winchester be, and they are hereby, extended in the form and to the extent of a circle, whose circumference shall be described by a radius of three-fourths of a mile from the present center of said town: *Provided*, That lands embraced by such extension, while used

merely for agricultural purposes, except residences, and adjacent land not exceeding five acres, shall not be subject to town taxation.

§ 2. This act shall take effect from and after its passage.

Approved March 15, 1890.

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## CHAPTER 352.

AN ACT for the benefit of school district number four, in Greenup county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the board of education of school district number four, in Greenup county, shall have power to levy an additional tax of not exceeding ten cents on each one hundred dollars of taxable property in said district in addition to the fifteen cents, as provided for in an act, entitled "An act to establish a system of graded schools in the town of Greenup," approved March twenty-third, one thousand eight hundred and eighty-two; and may also levy a per capita tax of not exceeding one dollar on each legal voter in said school district for school purposes, and keeping in repair the school buildings.

§ 2. The tax so levied shall be collected and accounted for in the same manner that the taxes now levied under the act mentioned in the foregoing section are required to be collected and accounted for.

§ 3. That chapter number one thousand two hundred and forty-seven of the acts of the General Assembly, approved April twenty-fourth, one thousand eight hundred and eighty-eight, be, and the same is hereby, repealed.

§ 4. This act shall take effect from its passage.

Approved March 15, 1890.

## CHAPTER 353.

AN ACT re-submitting to the voters of Hardin county the question as to whether or not spirituous, vinous or malt liquors shall be sold in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it is hereby made the duty of the judge of the Hardin County Court, and he is hereby directed, to enter upon the order-book of said court, on or before April the nineteenth, one thousand eight hundred and ninety, an order directing the opening of a poll in each and every voting precinct in said county on May the tenth, one thousand eight hundred and ninety, for the purpose of taking the sense of the legal voters of said county upon the question as to whether or not spirituous, vinous or malt liquors shall be sold in said county, or in any magisterial district in said county.

§ 2. Said election shall be held on the tenth day of May, one thousand eight hundred and ninety, and the county judge of said county shall appoint the officers of said election—selecting them as nearly equal as possible from those in favor of the proposition and those opposed to it.

§ 3. That it shall be the duty of the clerk of the Hardin County Court to furnish the necessary poll-books for conducting said election; and one column of said poll-books shall be headed: "For Prohibition," and the other "Against Prohibition;" and the officers holding the election shall propound to each person offering to vote the following question, namely: "Are you for or against prohibition?" and if the voter answers that he is for prohibition, then his name shall be recorded in the first named column; and if he answers that he is against prohibition, then his name shall be recorded in the second column.

§ 4. It shall be the duty of the county court clerk

to give to the sheriff of Hardin county a certified copy of the order of the judge of the county court, as it appears on his order-book, within three days after said order is made.

§ 5. That it shall be the duty of the sheriff to have published a copy of the order of the county court, not less than ten days previous to the tenth day of May, one thousand eight hundred and ninety, in two newspapers published in Elizabethtown, and also by placing printed posters of said election in three public places in each magisterial district.

§ 6. Said poll-books shall be returned in the same manner and to the same persons, and the vote shall be counted by the same board of canvassers, as is provided for by law in the general August election.

§ 7. That if it shall be found that a majority of the votes cast in any magisterial district in said county at said election were cast against prohibition, the county judge of Hardin county shall grant license to retail spirituous, vinous and malt liquors in said district, upon the applicant complying with the law as now prescribed by statute; and if a majority of the votes cast in any magisterial district at said election shall be cast for prohibition, it shall be unlawful for the county judge of said county to grant any license in said district.

§ 8. If a majority of the legal voters in any magisterial district, having in its boundary an incorporated town or city, are cast against prohibition, the trustees or proper authorities of said town or city shall grant license in said town or city upon the applicant presenting to them the State license, granted by the county judge or county court, and paying a town or city license of not less than one hundred nor more than six hundred dollars, as may be fixed by the trustees or proper authorities of said town or city.

§ 9. That it shall be the duty of the county judge and examining board to have the result of said election spread upon the order-book of said court at the

next regular county court day in and for Hardin county after said election, and said order shall show what magisterial district or districts have voted for prohibition, and what magisterial district or districts voted against prohibition.

§ 10. If any officer or officers named in this act shall fail to perform any of the duties imposed upon him by this act, he shall be fined not less than two hundred nor more than five hundred dollars, to be recovered by indictment in the name of the Commonwealth in the Hardin Circuit Court, and imprisoned in the county jail not less than thirty days nor more than twelve months; and it shall be the duty of the circuit judge to give this act in charge to the grand jury at the first term of the Hardin Circuit Court after said election is held.

§ 11. That all laws, general or special, in conflict herewith or inconsistent with this act, be, and the same are hereby, repealed.

§ 12. This act shall take effect from and after its passage.

Approved March 15, 1890.

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## CHAPTER 354.

AN ACT to compel the Kentucky Central Railway Company and its assigns to provide safety-gates, and to keep a watchman at the crossing of its road over the turnpike leading from Paris to Winchester, at Paris, Bourbon county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be the duty of the Kentucky Central Railway Company and its assigns to provide and keep safety-gates and a watchman at the crossing of the Kentucky Central Railway, over the turnpike leading from Paris to Winchester, incorporated in one thousand eight hundred and forty-eight, under the name and style of the Paris, Winchester and Kentucky River Turnpike Road Company.

§ 2. The watchman mentioned and provided for in the first section of this act shall be stationed and remain at said position every day from six o'clock, ante meridian, until six o'clock, post meridian.

§ 3. For every day after April first, one thousand eight hundred and ninety, that the said Kentucky Central Railway Company, or any person or persons, individual or corporation, to whom said company shall assign, shall fail to have and keep safety-gates and a watchman, as provided by this act, and at the place designated herein, said company or its assigns, as the case may be, shall be fined not less than ten nor more than fifty dollars, to be recovered by indictment in the Bourbon Circuit Court.

§ 4. This act shall be in force from and after its passage.

Approved March 18, 1890.

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## CHAPTER 355.

AN ACT to amend an act, entitled "An act to incorporate the Larue County Deposit Bank," approved February sixteenth, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. Said bank may lend upon collateral, and the collateral thus loaned upon may be sold by public auction after reasonable notice to pay the debt for which it is security: *Provided*, As much as ten days shall elapse between the maturity of such notes and the sale of such collateral: *And provided*, That such collateral shall be sold in accordance with a written agreement made and entered into by the holder of said collateral at the time the said debt was contracted.

§ 2. *Be it further enacted*, That the number of directors of said bank be, and the same is hereby, in-

creased from five to seven directors; and the two directors thus added by this amendment are to be appointed by the present board of directors to serve until their successors are elected at the January election, one thousand eight hundred and ninety-one.

§ 3. This act to take effect from its passage.

Approved March 18, 1890.

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## CHAPTER 356.

AN ACT to prevent stock from running loose within the corporate limits of the town of Warsaw.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be deemed unlawful for the owner of any horses, cattle or hogs to permit the same to run loose within the corporate limits of the town of Warsaw, in Gallatin county.

§ 2. *Be it further enacted*, That the town marshal of said town of Warsaw shall take up all such stock as he may find running loose within the corporate limits of said town; and for taking up the same the owner thereof shall pay to him seventy-five cents for each horse, and fifty cents for each head of cattle, and twenty-five cents for each hog. And said marshal shall retain possession of said stock until said fees and charges for keeping same to that date are paid. And said marshal shall immediately notify the owner thereof, if said owner is known, and is a resident of said town, and if not a resident of said town, the town marshal shall give notice to such owner, if known, by written notice through the post-office; but if the owner be unknown, then by notice in a newspaper, if one is printed in the county.

§ 3. *Be it further enacted*, That if such stock is not immediately taken out of the possession of the marshal by the owner, by payment of the fees



aforesaid, the marshal shall feed, water and care for said stock, for which the owner thereof shall pay him forty cents per day for each horse or head of cattle, and twenty-five cents for each hog, in addition to the fees herein allowed the marshal for taking up said stock.

§ 4. *Be it further enacted*, That should said stock remain in the possession of the town marshal three days, the owner or owners of same not taking them out of his hands, and paying to him the aforesaid fees, then the said marshal shall make report of said stock and the cause of their detention to the county judge of Gallatin county, or to some magistrate of the Warsaw precinct, who shall direct said marshal to notify the owner, if known, of his report to said judge or magistrate to have the same sold under the provisions of this act, and the time and place said case shall be heard ; and said judge or magistrate, upon hearing proof in the case, shall, if the proof shows that said stock has been permitted to run at large in violation of this act, adjudge that the same be sold to pay the fees and costs of their taking up and detention, together with a fee of one dollar to the judge or magistrate who hears the case and makes the order of sale ; and said judge or magistrate shall direct said marshal, by order of record, to advertise the time, terms and place of sale, by written notices, posted at three or more public places in said town, ten days before the day of sale ; and shall sell the said stock to the highest bidder for cash ; and said marshal shall have, out of the proceeds of sale, the same commission for selling that is allowed by law to constables for selling similar property under execution ; but if such stock, when sold, shall bring more than is necessary to pay the aforesaid costs, expenses and commission, such overplus shall be paid by said marshal to the owner of said stock, if he can be found, and claim the same within three months from the day of sale ; and if not so claimed within that time, he shall

pay the same to the treasurer of said town of Warsaw, and the same shall thereupon be forfeited to said town.

§ 5. *Be it further enacted*, That said town marshal and the sureties on his bond shall be held and bound for the faithful discharge of all his duties under this act, and for all damages that others may sustain by reason of any failure on his part to discharge his duties under this act.

§ 6. *Be it further enacted*, That this act shall go into full force and effect on and after the first day of April, one thousand eight hundred and ninety.

Approved March 18, 1890.

## CHAPTER 357.

AN ACT to incorporate the Cumberland Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That J. C. Rodemer, D. W. Vandever, K. L. Tanner, W. P. Walton, W. H. Miller, G. W. Sweeney, J. W. Whipp, George E. Stone, W. F. Neat, J. R. Hindman, James Garnett, Joseph R. Kinnaird, E. R. Beauchamp, J. B. Terry, J. H. Smith, W. H. Hicks, J. R. Leslie, ——— Flippin, R. M. Alexander, M. O. Allen, W. F. Owsley, Jr., T. Carpenter and Scott Brown, and their successors, associates and assigns, be, and they are hereby, created a body-politic and corporate, by the name and style of the Cumberland Railroad Company; and by that name shall have perpetual succession, and may contract and be contracted with, sue and be sued, plead and be impleaded, in any and all courts and tribunals of this Commonwealth as a natural person; said company may have and use a common seal, and may alter the same.

§ 2. Said Cumberland Railroad Company is hereby <sup>Powers.</sup> vested with the power and authority to construct, own and operate a railroad or railroads from a point at or near Richmond Junction, in Lincoln county, Kentucky, and thence through said county and Casey and Adair counties, within three-fourths of a mile of the town of Liberty, in Casey county, and within one-half mile of the town of Columbia, in Adair county; and through the counties of Metcalfe, Cumberland, Barren, Monroe or Allen, in the State of Kentucky, to some point on the boundary line between the States of Tennessee and Kentucky, where it may connect with any southern systems of railroads converging at Nashville, Tennessee. It may connect with the Kentucky Cincinnati Railroad, or with the Louisville and Nashville Railroad, or both, at or near Richmond Junction, on such terms as may be mutually and legally agreed upon between the company hereby incorporated and the companies owning or operating the railroads aforesaid. Said company is authorized to build such extensions and branches as it may deem necessary for the successful prosecution of its business.

§ 3. Until the election of a board of directors as <sup>Incorporators to act until election of directors.</sup> hereinafter provided for, the corporation herein named shall elect from their own number nine directors, who shall have and exercise all the powers herein conferred upon the Cumberland Railroad Company. At said election, any of said corporators who may not be present in person may vote by written proxy. Said directors shall elect one of their number president, and shall also elect a secretary and treasurer.

§ 4. The amount of the capital stock of said com- <sup>Capital stock.</sup>pany may be fixed by its by-laws, but shall not exceed thirty thousand dollars per mile for each mile of its road; and such capital stock shall be divided into shares of one hundred dollars each, and shall be personal property. The said company may solicit and receive subscriptions to its capital stock, and may collect such subscriptions by suit when due.

§ 5. When fifty thousand dollars of bona fide sub-  
scriptions to the capital stock of said company shall  
have been obtained, the stockholders shall be convened  
by notice published in one or more newspapers in each  
county through which said road passes in the State  
of Kentucky, or by actual notice given, at such time  
and place as the president of the company may design-  
ate; and they shall elect nine directors from among the  
stockholders, each share of stock being entitled to one  
vote. Said directors shall then, from their own body,  
elect a president and a vice-president, and shall then  
elect and appoint such other officers and agents as may  
be necessary for the proper management of the business  
of the company; but such other officers and agents  
need not be directors. The directors shall thereafter  
be elected annually by the stockholders; but if, for  
any reason, an annual election be not held, the di-  
rectors last elected shall hold over until their suc-  
cessors are elected. The management and control of  
the affairs of the company are hereby vested in the  
board of directors, and such officers and agents as  
the board may elect and appoint; and the board of  
directors shall have power to fill vacancies in the  
board until the annual election is held.

§ 6. Should it become necessary, in the judgment of  
the company, to borrow money to complete the con-  
struction of its said road and extensions or branches,  
or to equip the same, or for any other purpose, it may  
do so, giving its bonds with such time to run as may be  
agreed upon, and bearing a rate of interest not greater  
than six per centum per annum; and to secure such  
bonds, may execute and deliver a mortgage or mort-  
gages upon any or all of its rights, franchises and  
properties.

§ 7. The board of directors may make and adopt  
such by-laws for the government of the company as  
they may deem advisable: *Provided*, They be not in  
conflict with this charter or the laws of this Common-  
wealth or of the United States; and such by-laws

may be added to, modified, or repealed by the board in its discretion.

§ 8. Said Cumberland Railroad Company is hereby vested with the power and authority to purchase or <sup>Acquire real estate or other</sup> acquire by lease, or in any other lawful way, any and all of the rights, franchises, powers, privileges and properties of any other railroad company, whether in or out of the Commonwealth of Kentucky, or to combine and consolidate its rights, franchises and properties with those of any other railroad company or companies, whether in or out of the Commonwealth of Kentucky, upon such terms and conditions as may be mutually satisfactory, and such consolidated company, by whatever name it may be called, shall have all the rights, powers, privileges and franchises herein conferred upon the Cumberland Railroad Company, and be subject to all the duties and responsibilities herein imposed upon it: *Provided*, That said company shall not purchase or lease, or in any other way acquire, any competing or parallel railroad, nor shall it combine or consolidate its rights or franchises with those of any other company owning or operating any competing or parallel railroad.

§ 9. Said Cumberland Railroad Company is hereby <sup>May fix rates.</sup> vested with the right to fix and maintain such tariffs and rates for the transportation of freight and passengers, and for storage of goods, as it may deem proper and expedient: *Provided*, That the same be not inconsistent with or repugnant to any general law of this Commonwealth now in existence, or that may hereafter be enacted.

§ 10. The board of directors may, by the by-laws, direct and regulate the manner in which the certificates of stock shall become transferable.

§ 11. A majority of the board of directors shall constitute a quorum for the transaction of business.

§ 12. It shall be lawful for said company to acquire, <sup>How it may acquire necessary property.</sup> by negotiation and conveyance to it for its road-bed,

switches, and side-tracks, seventy-five feet on each side of the center of the main track ; but it shall not acquire, by judicial proceedings and condemnation for such purposes, exceeding fifty feet on either side of the center of the main track. For its turn-tables, depot grounds and turnouts it may acquire, by negotiation and conveyance to it, such an amount of land as it may deem necessary ; but it shall not acquire, by judicial procedure and condemnation for such purposes at any one place, a tract of land exceeding one thousand feet square.

§ 13. The location of the grounds and local offices of the company shall be determined by the board of directors.

§ 14. Until otherwise ordered by the directors in a  
Who shall vote. by-law to that effect, every bona fide subscriber to the capital stock of said company shall be entitled to vote in the meeting of the stockholders, and shall be considered as a stockholder to the extent of the number of shares subscribed by him.

§ 15. Said Cumberland Railroad Company, by its  
May contract for construction of road. board of directors, may contract with any person or persons or corporation to construct its said road or extensions, or branches thereof, or any part thereof, and pay for the same in whole or in part in the capital stock of said company, or in the bonds of said company, or in both, in such manner and upon such terms as may be agreed upon.

§ 16. Until the organization of said Cumberland Railroad Company, by the election of a board of directors and other officers, as herein provided for, any of the persons herein named as corporators, or their authorized agents, may receive for said company, by purchase or donation, any grant of the right of way to said company, or subscriptions to pay for right of way or ways, or to pay for surveying and locating said road.

§ 17. Private property of the stockholders shall not be subject to the debts of said company.

§ 18. The provisions of the General Statutes, in relation to the condemnation of land and material for the construction of said railroad, shall govern in any proceeding necessary to acquire the same for the uses of this company.

§ 19. The General Assembly reserves the right to alter or amend this act at any time.

§ 20. The corporation hereby authorized shall begin work of constructing its road in good faith within two years of the passage of this act, and complete same within five years from its passage, otherwise this act shall be null and void.

§ 21. This act shall take effect from its passage.

Approved March 18, 1890.

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## CHAPTER 358.

AN ACT to amend an act to incorporate the Madison County Fair Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Madison County Fair Association has the right to have and conduct trotting and running races upon its track at such times, and under regulations and terms, as the board of directors may, from time to time, determine on.

§ 2. Said corporation has the right to sell pools in the city of Richmond, Kentucky, or on the grounds of the association, on any and all races run on the track of the association.

§ 3. Said corporation shall have the right to appoint a marshal to keep order upon the grounds during any exhibition or race; and the marshal so appointed shall have the right to arrest any person for any violation of any general law of this State, or any ordinance of the city of Richmond, Kentucky, or the association, committed upon the grounds of the asso-

ciation ; and all fines imposed and collected under this provision shall be paid as the law directs.

§ 4. The board of directors shall consist of a president, two vice-presidents and five directors, who shall be elected annually on the first Saturday in October of each year. The board so elected shall elect a treasurer and secretary ; and it shall have the right to fill all vacancies that may occur in the board : *Provided*, That the present officers and directors shall have power to act until the first Saturday in October, one thousand eight hundred and ninety. The board has the right to compel the attendance of its members by fines.

§ 5. Said association shall have the right to lease any or all privileges of the association existing under its original charter or any amendment, in the manner and on such terms as the board of directors may determine on.

§ 6. That the said association shall have the right on its grounds, while any race is being held, to sell vinous, spirituous or malt liquors by retail ; but, before doing so, a license to so sell shall be first obtained from the city council of Richmond ; but no such license shall be granted authorizing a sale of liquors of any kind on said grounds while the annual fair is being held.

§ 7. This act to take effect from its passage.

Approved March 18, 1890.

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## CHAPTER 359.

AN ACT to charter an institution of learning by the name and style of the Edmonton High School, at Edmonton, Metcalfe county, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an institution of learning is hereby established at Edmonton, Metcalfe county, Kentucky, by



the name and style of the Edmonton Male and Female College, which shall be under the control of John A. Young, Dr. W. E. Pedigo, Thomas Nunn, W. B. Skaggs, J. A. Hamilton, R. L. Browning, C. W. Coleman, Thomas Romines and H. M. Beauchamp, and their successors, as trustees of said institution. If at any time a vacancy shall occur by death, removal or resignation, the other trustees shall have power to name a suitable person to fill the vacancy. They shall have power to name one of their number president of their board, and other officers which they may deem necessary: They shall have power to employ such professors of learning as they may desire to teach in said institution. They may hold annual commencements and public examinations of the pupils, and confer such honorary degrees and diplomas as are usual in colleges in this Commonwealth. They may co-operate with the trustees of the public school, and make such arrangements as may be agreeable and advantageous to the institution hereby created and the advancement of learning.

§ 2. *Be it further enacted*, That said institution may receive pupils of both sexes.

§ 3. *Be it further enacted*, That this act shall take effect from its passage.

Approved March 18, 1890.

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## CHAPTER 360.

AN ACT to authorize the United Baptist Church at Morganfield, Kentucky, to sell their church lot and re-invest the proceeds of same.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky, that on the eighth day of January, one thousand eight hundred and eighty-seven, S. C. Hughes and wife, by deed duly acknowledged and recorded in deed-book thirty-eight, page one hundred and thirty-one, conveyed

to William Carr, Thomas E. Taylor and W. O. Haynes a certain lot in the town of Morganfield, Union county, Kentucky, in trust for the United Baptist Church of said town; and whereas, it is represented that said church has purchased another lot from M. R. Waller and others, which the said church deems more suitable for building their house upon, and now desire to sell the lot conveyed them by S. C. Hughes and wife; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That said William Carr, Thomas E. Taylor and W. O. Haynes, as trustees of the United Baptist Church at Morganfield, or their successors as trustees, be, and they are hereby, authorized to sell and convey the lot deeded said church by said S. C. Hughes and wife, on such terms as they may deem proper. The price received for said lot by said trustees shall, by them, be used in paying for the lot bought from M. R. Waller and others, and if not needed for that purpose, it shall be used in paying for the erection of a house on the Waller lot.

§ 2. This act shall take effect and be in from its passage.

Approved March 18, 1890.

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## CHAPTER 361.

AN ACT to change the Liberty Hall voting-place in district number two, in Breckinridge county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the voting-place in district number two, known as the Liberty Hall voting-place, in Breckinridge county, be, and is, changed from Liberty Hall to the city of Cloverport in said district.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1890.

## CHAPTER 362.

AN ACT making it unlawful for cattle to run at large upon that part of the turnpike road leading from Bardstown to Louisville, which lies between Bardstown and the toll gate on said road nearest to Bardstown.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful for any cattle or stock to run at large upon that part of the turnpike road leading from Bardstown to Louisville, which lies between Bardstown and the toll-gate on said road nearest to Bardstown ; and the owner of any cattle or stock so found running at large upon said part of said road shall be fined the sum of two dollars for each head of stock so found running at large upon said part of said road, and each day that cattle shall be found running at large on said part of said road shall be a different offense.

§ 2. And if the fine and costs are not immediately paid or replevied, then the defendant shall be confined in the county jail until said fine and costs are paid, at the rate of one day's imprisonment for each dollar of the fine and costs : *Provided*, That no female shall be imprisoned under the provisions of this bill.

§ 3. That the police judge of the town of Bardstown and the judge of the Nelson County Quarterly Court shall have concurrent jurisdiction of all violations of this act.

§ 4. The provisions of this bill shall apply to all the turnpike road leading from Bardstown to Bloomfield lying between the nearest toll-gate to Bloomfield and the nearest toll-gate to Bardstown ; the penalties shall be the same as on the Louisville and Bardstown pike, and the imposing of the same shall be done in the same manner.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 18, 1890.

## CHAPTER 363.

AN ACT to incorporate the Breckinridge County Fair Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Eli H. Dean, John B. Hensley, W. J. Piggott, W. W. Williams, R. M. Jolly, A. J. Gross, D. R. Murray, John D. Babbage, Carl Richardson, Felix Monroe, C. N. Mosely, William R. Moorman, R. G. Robertson, Eli Storms, Ben T. Miller, W. J. Dean, Jr., M. Meyer, A. Cart, John Alexander, Mat Payne, C. Blanford, J. D. Beeler, or any of them, their associates, successors and assigns, be, and are hereby, constituted a body-politic and corporate, by the name of the Breckinridge County Fair Company ; and by that name shall have perpetual succession, with power to sue and be sued in all courts of this Commonwealth ; to contract and be contracted with ; and shall have power to acquire, by purchase or otherwise, any quantity of land in said county of Breckinridge, not exceeding one hundred acres, and personal estate not exceeding in value ten thousand (\$10,000) dollars, and may hold and enjoy the same ; they may have and use a common seal, which may be altered, changed or renewed at pleasure of directors.

Incorporators.

May acquire property, real and personal.

§ 2. The capital stock of said company shall be divided into shares of ten (\$10) dollars each, to be subscribed and taken agreeable to such rules and regulations as the company may direct. Each and every one of the incorporators are hereby authorized to receive subscription of stock in said corporation, at any time or place they may think proper, until a sufficiency is subscribed, but not to exceed in the whole the sum of ten thousand dollars, which shall be paid in such calls as a majority of the board of directors may require ; and all money or property belonging to said company shall be held by the board of directors in trust for the use and benefit of the company, and

Capital stock.

the net proceeds of the same distributed among the stockholders, according to the amount held by each.

§ 3. The officers of said corporation shall consist of <sup>Officers.</sup> a president, vice-president and twenty-one directors, to be chosen by the stockholders, voting by shares either in person or by proxy, each share counting one vote at their annual meeting, which shall be held on the third Saturday in March in each year, unless some other day may be agreed upon by the corporation, of which time and place each stockholder shall have due notice. The officers elected at said regular election shall hold their office for one year, and until their successors are elected and qualified.

§ 4. The board of directors shall have power to ap- <sup>Board of direct-</sup> point a secretary and treasurer, and such other officers <sup>ors.</sup> as they deem necessary, who shall hold office during the will of the board of directors, and to perform such duties as the board may direct. The said corporation may hold a fair annually on their grounds for the exhibition of stock, agricultural, horticultural products, mechanical implements, and such other articles as the directors may permit to be exhibited ; and for the trials of speed and endurance of men and horses, for running, trotting or pacing, awarding such premiums and purses as they may deem proper ; and may rent out their grounds for any purpose they deem best, provided the same is not inconsistent with the Constitution and laws of this State.

§ 5. The incorporators herein named, or such of <sup>May organize.</sup> them as may meet and participate in the organization of said company, shall constitute the board of directors for the first year, and until their successors are elected and qualified ; and may elect and appoint the officers herein provided for, and manage and control the affairs of said company.

§ 6. The board of directors shall have the power to <sup>Powers.</sup> make such rules and regulations and by-laws as they may deem necessary for the interest and benefit of the fair company, not inconsistent with the Constitution

and laws of this State, with power to change or alter them, and with full power to enforce the same. They may fix the rates of entries for all exhibitors, and for running, trotting or pacing in trials of speed, and regulate and charge fees for spectators, and have full power and authority to collect the same. They shall have power to appoint as many policemen or watchmen as they may deem necessary to preserve good order and keep the peace; and they shall have the power to arrest all disorderly persons, and for this purpose said policemen or watchmen shall be clothed with the same powers that constables and sheriffs of this Commonwealth may have. All persons so arrested by them shall be forthwith brought before some magistrate or police judge to be dealt with according to law.

Vacancies.

§ 7. The board of directors shall have the power to fill any vacancy that may occur in the board of directors, or in the offices of secretary and treasury, or other offices; and they shall have power to license peddlers and performances upon their grounds, and the sale of any article thereon; and to permit, in their discretion, the sale of spirituous, vinous or malt liquors on said grounds; but no person or persons shall be allowed to sell any of said liquors, except as he or they may have a coffee-house or tavern-keeper's license; and said privilege shall only be used while fairs or exhibitions are being held; and said directors shall have power to restrain all such persons who do not obtain a permit or license from said company for such purpose.

Stock certificates.

§ 8. The board of directors shall provide for the issuing of stock certificates to the stockholders in said company; and said stock shall be held as personal estate, and shall be transferable only on the surrender of the certificate thereof; but provision shall be made for such transfer, in case of loss of a certificate, upon proper notice being given to the public, and due indemnity to the company.

§ 9. The stockholders in said company shall not be <sup>Stockholders not</sup> liable personally for any debt or liability of the company.

§ 10. Called meetings may be had at any time by order of the board of directors, notice of which shall be duly given.

§ 11. All contracts shall be signed by the president and countersigned by the secretary, and have the seal of the company affixed thereto.

§ 12. The board of directors shall have power to borrow money in the name of the company for all necessary purposes, but in no event shall they have authority to borrow a greater sum than one-third the capital stock.

§ 13. The president or vice-president and three directors shall be a quorum for the transaction of all business for said company, unless said company shall require and fix a different number.

§ 14. The company may at any time, the majority of the stockholders consenting, sell and dispose of their franchises and power under this act.

§ 15. Said company shall not own at one time more than one hundred acres of land, except as may be necessary to carry on the powers herein granted.

§ 16. All conveyances of land by the company shall be acknowledged by the president and secretary.

§ 17. This act shall take effect from and after its passage.

Approved March 18, 1890.

## CHAPTER 364.

AN ACT to amend the charter of the Washington County Stock and Agricultural Society.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the charter of the Washington County Stock and Agricultural Society be, and the same is,

amended as follows: "The board of directors of said society may fix the time of the election of their successors and all other officers by resolution of the board, of which election notice shall be given by public advertisement, posted in three or more conspicuous places in the town of Springfield, for not less than ten days before the day of the election."

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 18, 1890.

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## CHAPTER 365.

AN ACT for the benefit of Barclay, Potter and Company.

WHEREAS, It appears that Barclay, Potter and Company, bankers, paid to the sheriff of Warren county the sum of two hundred and sixty-eight and ninety-five one-hundredth dollars in full for revenue and county levy for the year one thousand eight hundred and eighty-seven, and also paid to said sheriff the sum of two hundred and fifty-one and sixty one-hundredth dollars in full for revenue and county levy for the year one thousand eight hundred and eighty-eight; and whereas, by mistake of said Barclay, Potter and Company, and by mistake of the county court clerk of Warren county, the sum of one hundred and fifty dollars was collected of said Barclay, Potter and Company by said clerk for license to carry on the business of broker for the year one thousand eight hundred and eighty-seven; and also the further sum of one hundred and fifty dollars was collected in the same manner for the year one thousand eight hundred and eighty-eight; and whereas, said money was paid into the State Treasury, and there was no law providing for the collection of said license money of three hundred dollars; therefore,



*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Auditor of Public Accounts is hereby authorized to draw his warrant in favor of Barclay, Potter and Company, upon the Treasurer of the State for the sum of three hundred dollars, payable out of any moneys not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved March 19, 1890.

## CHAPTER 366.

AN ACT to punish certain trespassing in the counties of Bracken, Mason, Harrison, Grant, Scott, Nicholas, Robertson, Gallatin, Henderson, Montgomery, Hardin and Woodford.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That any person who shall trespass upon the inclosed lands of another for the purpose of shooting or hunting with fire-arms or implements of hunting, or fishing in pools or ponds without having first obtained the consent of the owner or occupant of such lands, shall be liable to a fine of not less than five nor more than twenty-five dollars, for each offense so committed, before a court having competent jurisdiction, on a warrant issued by a justice of the peace, police or county judge, in the name and by the authority of the Commonwealth of Kentucky.

§ 2. All fines assessed and collected by and under this act shall be paid by the officer collecting them to the county school superintendent, and be by him equally disbursed between the common school districts of his county.

§ 3. The county attorney shall be duly notified by the officer before whom the case may be tried, and he shall thereupon attend and prosecute the party

Unlawful trespass.

Penalties.

Fines—to whom paid.

County attorney to be notified.

or parties so offending, for which services he shall be allowed thirty per cent. of the fines so assessed, to be paid by the officer collecting same.

§ 4. All laws in conflict herewith are hereby repealed in that they apply to the counties mentioned in the caption of this act.

§ 5. That the provisions of this act shall apply only to the counties mentioned in the title hereof, and be in force from and after the first day of July, one thousand eight hundred and ninety.

Approved March 18, 1890.

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## CHAPTER 367.

AN ACT to prevent trespassing on lands in Madison county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful for any person or persons in the county of Madison to enter upon the premises or lands of another for the purpose of hunting with guns or dogs without having first obtained of the owner or occupant of said land or premises permission so to do.

§ 2. Any person so offending shall be guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction in said county, shall be fined not less than twenty-five dollars nor more than fifty dollars.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 18, 1890.

## CHAPTER 368.

AN ACT to incorporate the Cartwright Spring Wagon Works.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the "Cartwright Spring Wagon Works" <sup>Incorporated.</sup> be, and the same is hereby, incorporated, and by that name it may sue and be sued, contract and be contracted with; it may have a seal, and alter or change the same at pleasure; it may acquire, hold and transfer property as fully as though it was a natural person, and shall have the rights, powers and privileges ordinarily pertaining to corporate bodies of like character. It may, by its directors, make all rules <sup>May make by-laws.</sup> and by-laws necessary for the management of its affairs, not inconsistent with the Constitution and laws of this Commonwealth or the United States.

§ 2. That the capital stock of this company shall be <sup>Capital stock.</sup> five hundred thousand dollars, to be divided into shares of one hundred dollars each. Said company <sup>When commence business.</sup> may carry on its business whenever seven hundred and fifty shares of stock shall have been subscribed and paid up. Certificates of stock shall be issued to each stockholder, signed by the president and the secretary, which shall be transferable by the holder; but no such transfer shall be valid except between the parties thereto, until the same is regularly entered upon the books of the company, so as to show the name of the person to whom and by whom made, the date of the transfer, and the number of shares transferred.

§ 3. The business of the company shall be con- <sup>Business conducted by board of directors.</sup> ducted by a board of not less than five nor more than nine directors, to be chosen by the stockholders from their own number, and who shall vacate their offices when they cease to be stockholders. They shall hold office for one year from the regular election, and until their successors, duly chosen, shall

Vacancies. enter upon the duties of their office; but whenever a majority of the newly-elected directors shall enter upon their offices, then all the members holding over shall cease to act. The directors shall have the power to fill any vacancy in the directory until the regular election. They shall appoint one of their number president, one vice president, and may appoint a general manager, a secretary, a treasurer, a manager of the works, and may engage such other subordinate officers as they may deem necessary, and may fix the salaries and terms and manner of payment of all officers, and shall prescribe their duties. They may also appoint from their number an executive committee, to have a general oversight over the business of the company while the directors are not in session. A majority of the directors or stockholders shall constitute a quorum to transact business whenever a meeting of either is held. The times of holding all elections and meetings shall be fixed in the by-laws of the company, and each share of stock shall entitle the holder to one vote in all elections or matters submitted to a vote of the stockholders.

General business. § 4. The general business of the company shall be to manufacture, purchase, sell, dispose of and repair all kinds of spring and delivery wagons, road-carts, trucks and other vehicles, and materials used in the construction of the same. The business shall be carried on in or near the city of Louisville; but the corporation shall have power to send agents and to establish agencies and officers elsewhere to assist in carrying out the objects of the company.

Place of business. § 5. The company heretofore organized under chapter fifty-six, title "Incorporated Companies," of the General Statutes, called "Cartwright Spring Wagon Works," may, by a vote of a majority of its stock, accept this charter; when this is done, the capital stock of that company shall become capital stock in this company, and the assets and liabilities of that company shall become the assets and liabilities of this

Transfer of charter.

company, and certificates of stock in that company shall be surrendered and new ones issued, and this company shall supersede and stand in place of that one in every particular, except that its corporate existence, rights, powers and privileges shall be derived from this charter instead of from chapter fifty-six of the General Statutes, and all the powers of the former company under said chapter shall cease to exist. The board of directors and officers of the present company shall be deemed the board of directors and officers of the new company until their successors shall be duly elected and qualified; but this provision shall not prevent the removal by the directors of any officer for cause.

§ 6. The directors shall, from time to time, declare Dividends. and pay to the stockholders, from the net profits of the business, such dividend or dividends as, in their discretion, is wise and prudent.

§ 7. When this charter is accepted, the company is Sell bonds. authorized, from time to time, to issue and sell bonds of the corporation not to exceed in the aggregate, at any one time, a sum equal to one-third of the capital stock actually subscribed and paid in, in such denominations as the corporation may elect, to be secured by mortgage on the grounds, buildings and machinery owned or that may be acquired by the corporation. Said bonds shall bear six per cent. interest, and shall mature within thirty years from the passage of this act.

§ 8. The private property of the corporators and stockholders of this company shall be exempt from Private property exempt from corporate debts. all liability for debts or liabilities of the company.

§ 9. This act shall take effect from its passage, and shall remain in force twenty-five years.

Approved March 19, 1890.

## CHAPTER 370.

AN ACT to change and define the boundary line of Hayfield magisterial district, in the county of Campbell.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the territory described in the following boundary shall hereafter compose the magisterial district of Hayfield, in the county of Campbell, namely : Beginning at the mouth of Four-mile creek, the present corner of Hayfield district ; thence with the present line of Hayfield district to Uhle creek ; thence up Uhle creek to Jacob Barth and Andy Turner, including them ; thence to Peter Messmer, excluding him ; thence with the county road to Ludwig Spener ; thence to Frederick Simon, including him and Zack Tucker ; thence to Tuckfork creek ; thence up Tuckfork creek to county road at Uebel's ; thence with the county road to Poplar Ridge road ; thence with Poplar Ridge road to Michael Schmith's ; thence in a line to Jacob Heeb, including said Jacob Heeb ; thence to Four-mile creek ; thence across Four-mile creek to the ten-mile county road ; thence with the ten-mile county road to the present line of Hayfield district ; thence with the said line of Hayfield district to the Ohio river ; thence with the Ohio river to the place of beginning.

§ 2. That the voting-place of said district of Hayfield shall be at A. Futscher's blacksmith shop.

§ 3. That this act shall take effect and be in force from its passage.

Approved March 19, 1890.

## CHAPTER 371.

AN ACT to change and fix the boundary line between the counties of Leslie and Perry.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That from and after the passage of this act, the boundary line between Leslie county and Perry county, Kentucky, shall run as follows from the head of the Grassey branch: Beginning with the Leslie county line at the head of the Grassey branch; thence running with the top of the main dividing ridge between the Middle Fork and the North Fork of the Kentucky river to the head of John Langdon's branch and Gay's creek; thence running with the dividing ridge between the said Langdon's branch and Gay's creek, and off to the Middle Fork at the mouth of Leatherwood creek; thence crossing the Middle Fork of the Kentucky river and running up the point above the mouth of Leatherwood; thence running with the top of the dividing ridge between Leatherwood creek and Rush creek to the head of Rush creek; thence a straight line from the head of Rush creek to the Clay county line, at or near the head of Little Bullskin creek; thence with the Clay county line to the Leslie county line, at or near the head of Bullskin creek; running so as to include in Leslie county all the tributaries of the Middle Fork of the Kentucky river above the mouth of Leatherwood creek.

§ 2. The territory and boundary of Perry county thus attached to Leslie county shall be made a part of district number one of Leslie county, and shall remain as same until changed as prescribed by law.

§ 3. This act shall take effect from its passage.

Approved March 19, 1890.

## CHAPTER 372.

AN ACT to organize and establish a system of public schools in Slaughtersville, Webster county, for white children.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

School estab-  
lished.

§ 1. That there is hereby created and established in the town of Slaughtersville, Webster county, a system of public schools, embracing the following territory, namely : Beginning at a point one mile west of the center-pin (the recognized center) of Slaughtersville, running thence south one mile ; thence east two miles ; thence north two miles ; thence west two miles ; thence south one mile to the beginning.

Boundary.

Board of trus-  
tees.

§ 2. The territory embraced in said district, which includes the town of Slaughtersville, is hereby created and incorporated as a school district, which shall be under the control and management of a board of trustees. The persons constituting said board, consisting of five persons, shall be known and styled "The Board of Trustees of the Slaughtersville Public Schools ;" and by that name shall be a body-politic and corporate ; may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places ; may buy and sell, grant, bargain, sell and convey real and personal estate ; hold in trust the title to all public school property in said district, and discharge other duties imposed by the common school laws of this State or by the provisions of this act

Elections of  
board.

§ 3. The trustees of said school district shall be five in number, to be elected biennially on the first Saturday in June, and to hold their offices until their legal successors are qualified. The following named persons, namely : F. A. Owen, W. R. Parker, O. L. Coffman, W. H. Gentry and J. H. Qualls are hereby constituted and appointed trustees for said district, to hold their offices until the first Saturday in June, one



thousand eight hundred and ninety, and until their successors are elected and qualified. A majority of said board shall constitute a quorum for the transaction of business ; and in case of death or resignation of any of said trustees, or if, from any cause, there shall be a vacancy, the remaining members shall fill the vacancy by the appointment of some qualified person. No person shall be eligible to the office of trustee for said district who is not over the age of twenty-one years and a *bona fide* resident of said district.

§ 4. That before entering upon the discharge of Take oath. their duties the trustees named in this act, and those hereafter elected or appointed, shall appear before some officer who is authorized by law to administer an oath, and take an oath or affirmation to faithfully and impartially discharge the duties of their office. The oath shall be in addition to the oath required by the Constitution of this State.

§ 5. The said trustees shall have power to fix the time and place of their meeting, to make all necessary by-laws and rules for their own government and for the management of the said public schools. They shall keep a correct journal of their proceedings, which shall be open to the inspection of any interested person. May make by-laws.

§ 6. The trustees of said district shall appoint one Chairman. of their number as chairman, who shall preside at all meetings of the board, put all questions, preserve order, sign the minutes of each meeting, and discharge such other duties as may be required. The said trustees shall appoint a secretary, and may prescribe his duties and fix his compensation.

§ 7. The said trustees shall appoint one of their number as treasurer, who shall be known as the treasurer of the Slaughter'sville public schools ; and before proceeding to act, said treasurer shall execute bond to the Commonwealth of Kentucky, with sureties to be approved by the board, conditioned that he will Treasurer. Shall execute bond.

collect all moneys and pay out the same to the persons entitled thereto according to law and the orders of said board, and in all other respects well and truly discharge his duties. For any breach of said bond the trustees of said school district, or any person aggrieved, may recover damages in any court of competent jurisdiction. If said treasurer, or any person, shall use or convert to his own use any of the school funds raised by this act, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be subject to a fine or imprisonment, in the discretion of a jury.

Teachers.

§ 8. The board of trustees for said district shall have power to appoint all teachers and other persons who may be necessary to carry on and conduct the said public schools; may make and adopt rules for their government, and fix their salaries or compensation. They may also suspend or dismiss any teacher or other person appointed by them, and for good cause may suspend or expel any pupil attending said school. They may grade the schools and classes, prescribe the branches of education, the mode and examination of pupils.

Who may attend school.

§ 9. That all white children over six and under twenty years of age within said district shall have equal right of admission to said schools, free from all charges of admission or tuition, and only white children shall be admitted. The trustees may admit white children who reside out of the district upon such terms, for such sums, and on such conditions, as they may prescribe.

Additional powers.

§ 10. That the said board of trustees, in addition to the powers conferred by this act, shall have the rights and powers which are given to trustees of common schools under the common school laws of this State, except so far as modified or changed by the provisions of this act. They may regulate and determine the length of sessions and for what length of time the schools shall be taught each year. No cate-

chism or any other form of religious belief shall be taught in said schools; nor shall the same be conducted as to interfere with the religious belief of any pupil or his parents.

§ 11. That the trustees of said district are authorized to receive and hold all donations of property, real or personal, for the benefit of said schools; they may buy and sell and convey real or personal estate for such purposes as fully as individuals may. The school lot and other property belonging to the common school districts in Webster county, which includes the town of Slaughtersville, and known as the Slaughtersville district, are transferred to the district created by this act, and the trustees of said district or their legal successors are empowered to sell and convey said property and apply the proceeds, with the other funds created by this act, in the purchase of another house and grounds for said school purposes.

May receive and hold property.

§ 12. The said trustees shall have power to purchase suitable grounds for a school lot; locate the site for the erection of a school building, erect the necessary buildings for carrying and conducting said schools, either by contract or otherwise; or if such buildings can be found suitable for the purpose, and in their judgment it would be best, they may purchase a suitable building. They may provide the necessary furniture and other articles which they deem necessary for said schools and school purposes: *Provided*, That said trustees shall not expend more than three thousand dollars in payment for the grounds, building and furniture for said schools.

May purchase school grounds.

§ 13. That if the trustees of said district can not acquire a suitable lot in the town of Slaughtersville for said school purposes by private agreement, they may have the same condemned by writ of *ad quod damnum* in the way and manner provided in chapter one hundred and ten, General Statutes of Kentucky: *Provided*, The proceedings shall be in the name of

May condemn ground

the board of trustees of the Slaughtersville public school; and the purchase money shall be paid out of the funds which the board is authorized by this act to use for such purposes.

Levy taxes.

§ 14. That in order to raise the funds and provide the money to buy the school-house lot, build the house and procure the furniture for said schools, the trustees aforesaid are authorized and empowered to levy and cause to be collected a tax upon the tax-payers of the said district as follows: First. A capitation tax not exceeding three dollars per annum on each white male person over twenty-one years of age and resident of the district. Second. An ad valorem tax on all the white tax-payers of the district, and their taxable property subject to taxation under the revenue laws of this State, which, being added to said capitation tax, will be sufficient in amount to pay for said lot, buildings and furniture and the cost of assessing and collecting the taxes: *Provided*, That only one-half of the aggregate taxes shall be collected during the first year of the assessment, and the remainder during the next succeeding year. The property of white persons only shall be taxed.

Levy taxes to maintain school.

§ 15. That in order to maintain said schools, pay the salaries of teachers and the necessary expenses thereof, the said board of trustees are authorized and empowered to levy and collect an annual tax not exceeding one dollar upon each one hundred dollars' worth of taxable property owned by white persons in said school district, subject to taxation under the general revenue laws of this State; and also a poll-tax of not exceeding three dollars on each white resident of the district who is over the age of twenty-one years. This tax shall be known as the school tax; shall be payable in money; shall be kept separate from other funds, and shall only be used in paying the expenses of said schools, including the salaries of teachers and necessary repairs on the school buildings and premises; only the

property of white persons shall be subjected to said tax.

§ 16. That the school-house authorized to be erected by the provisions of this act shall be constructed in that part of the district which is included in Webster county, and within the town limits of Slaughtersville. The said district shall be reported by said trustees, with the proper enumeration and census of pupil children, to the superintendent of schools of Webster county, and he shall make report and draw the common school fund due or to become due for the whole district, as though the whole district lay entirely within Webster county. The said board of trustees shall have the right to collect, receive and appropriate to the schools of said district all the common school fund due or to become due from the Commonwealth, and the same shall be used in the payment of the salaries of teachers in the common school course.

§ 17. The board of trustees of the Slaughtersville public schools shall have power and authority to select and appoint an assessor to take the list of taxpayers, and to assess the taxable property of said school district. The assessor so appointed shall take the list and make the assessment of the district, at such time each year, and under such rules and regulations as the said board may prescribe. The said board of trustees shall, in due time, cause to be made, in proper legal form, and delivered to the assessor, a tax-book for making said assessment, with appropriate headings and columns for polls and taxable property. Only such property shall be listed as is subject to taxation under the revenue laws of this State. The board shall fix the fees of the assessor for taking the lists and making the assessments, which shall not exceed ten cents per list, and shall estimate and include the same as a part of the cost of collecting the tax. Before proceeding to act, the assessor shall take an oath to well and truly discharge his duties according to law; which shall be in addition to the general oath re-

School-house—  
where to be  
erected.

Appoint assessor.

Property to be  
assessed.

quired by the State Constitution. The trustees may require said assessor to execute bond to the Commonwealth of Kentucky with such sureties and conditions as they may require. On said bond any person aggrieved may have a right of action in any court of competent jurisdiction. The assessor shall make returns to said board of trustees at such time as they may provide; and he shall have the power and be under the same responsibilities as assessors under the general laws.

Trustees to examine tax-books.

§ 18. That after the return of the assessor's book, the said board of trustees, at a time and place to be fixed by them, shall carefully examine said book and assessment for that year, and correct any errors of the assessor, whether in fact or in relation to the value of the property listed. In cases where they shall be of the opinion that any property has been incorrectly valued, they may fix the same at its true value. They may list any persons or property which have been omitted by the assessor, or who have refused to list with him. They shall not increase the valuation returned by the assessor without first giving notice to the owner, if a resident of the district, to show cause why the change should not be made. The board of trustees shall have power to compel the attendance of witnesses to enable them to discharge their duties in supervising said tax-book. No assessment shall be for a greater sum than the assessment for State and county purposes. The assessor shall attend the meetings of the board for the revision of his assessment and the necessary information concerning the business before them. The board shall keep a record of their proceedings, which shall be carefully preserved.

Collector.

§ 19. The said board of trustees shall have power to appoint a collector to receive and collect said taxes, and require him to execute bond, payable to the board, with good and sufficient sureties to be approved by them, conditioned that he will collect, pay

over and account for all taxes and moneys which may come to his hands, and in all respects discharge his duties according to law. The said board of trustees, or any other person aggrieved, may sue and recover damages against said collector and his sureties for any and all breaches of his bond in any court of competent jurisdiction. The taxes shall be due when the tax-book is placed in the hands of the collector for collection, and he shall proceed to collect the same ; he shall make monthly settlements with the board, and a final settlement annually, not later than the first of December in each year. The collector shall have all the rights and power to collect said tax that sheriffs now have to collect the State revenue ; and shall be liable on his bond to any person injured for any illegal seizure, distress or sale. If the said board of trustees should be unable to secure a suitable person to act as collector, they may list the taxes with the sheriff of Webster county, for as much of the district as lies in Webster county, and with the sheriff of Hopkins county for so much thereof as is included in Hopkins county ; and said officers shall collect the taxes in the district and within their respective counties.

§ 20. The treasurer of the board of trustees of said district shall not pay out or disburse any of the school funds or moneys of said district which may come to his hands, except upon the order of the board, and the warrant therefor must be signed by the chairman and attested by the secretary ; or if the chairman be absent, the warrant may be signed by three members. The treasurer shall make an annual settlement of his accounts with said board, which shall appear on the journal. The board of trustees, during each year, shall make a report in circular form, to be posted at public places in the district, showing the amount of moneys received and disbursed, the number of pupils in attendance, teachers employed, and other facts necessary to show the condition of said school.

§ 21. For all taxes levied under this act, the said  
Lien for taxes. board of trustees shall have a lien, relating back to the time when the assessment should commence, upon all the real and personal estate in the district belonging to the persons or corporations owing the tax. The proceedings to collect said taxes by distress or sale shall be the same as given by the general laws in the collection of the public revenue ; and in sales of real estate the owner shall have the same right of redemption.

§ 22. That the election for school trustees, as pro-  
Election of trustees. vided in this act, shall be held at some place to be designated by the board of trustees, in Slaughtersville, on the first Saturday in June, one thousand eight hundred and ninety, and every two years thereafter. The trustees in office shall give not less than ten days' previous notice, by at least five written or printed notices, to be signed by the chairman or three members of the board, and to be posted at public places in said district, one of which shall be in the town of Slaughtersville. The election shall be held by two judges and a clerk, to be appointed by the Webster County Court, who shall return the poll-book to the said court, with a certificate showing the result of the election. The five persons receiving the highest vote at said election, and possessing the qualifications required by this act, shall be entitled to certificates of election. If, for any cause, the said county court should fail to appoint officers to hold said election, the chairman of said board of trustees shall conduct the election, or, in his absence, the voters may select officers. The said election shall be held within the hours provided by law for holding elections for trustees under the common school laws, and all persons entitled to vote for trustee under the common school laws shall be entitled to vote at said election.

§ 23. The taxes authorized to be levied and collected by the provisions of this act shall not be levied and collected until the question as to their levy and collec-



tion shall have been submitted by said board of trustees to the resident tax-payers of said district. On the written request of a majority of said trustees, who are named in this act, or their legal successors, the Webster County Court, by order of record, shall order an election to be held in Slaughtersville on a day and at a voting place to be designated, not less than fifteen days from the making of said order, to take the sense of the voters of said district on the question as to the levy and collection of said taxes; and at said election the qualified white voters of said district, who are entitled to vote for trustees under the common school laws of this State, shall be entitled to vote. The poll-book for said election shall contain two columns, one of which shall contain a heading, "For the public school taxes," in which shall be entered those voting in favor of the levy and collection of said taxes; and the other column shall contain a heading, "Against the public school taxes," in which shall be entered those persons voting against the levy and collection of said taxes. The Webster County Court shall appoint two judges and a clerk to hold said election, who shall be resident white voters of the district, and they shall be sworn as officers for holding State or county elections. That previously to taking such vote, printed or written notices, signed by not less than three of the trustees, stating the object of the election and the time and place of taking the vote, shall be posted for fifteen days at three or more prominent places in the district. The officers conducting said election shall return a true record of the vote for and against said tax, certified and duly sworn to by themselves, to the Webster County Court; and said vote shall be compared by the county judge, the county clerk, and sheriff of Webster county. If a majority of those voting shall have voted in favor of said tax, the same shall be noted duly of record in said court by appropriate order upon its order-book; and the board of

Question of taxation to be submitted to the people.

trustees of said school district shall have full power to levy and collect said taxes as provided in this act.

§ 24. That if the proposition to levy and collect said tax shall be defeated at the first election, the same may be re-submitted at any time on the request of said board of trustees, but not until the expiration of six months from the first election

§ 25. This act shall take effect and be in force from its passage.

Approved March 19, 1890.

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## CHAPTER 373.

AN ACT to incorporate the Kinniconnick and Freestone Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Incorporation.

§ 1. That all persons who shall become stockholders pursuant to this act in the company hereby authorized, shall be, and are hereby, made a body-corporate with perpetual succession, and all powers incident to such a corporation in law, with powers to sue and be sued, to contract and be contracted with, to have and use a corporate seal, under the name of "The Kinniconnick and Freestone Railroad Company," for the object and purpose, and with full powers to own, construct and maintain a railroad, with all such tracks, appendages, fixtures, buildings, structures and machinery, and so forth, as may be deemed necessary for the use of the same or convenient therefor. Commencing in or near the town of Freestone, Lewis county, at a junction with the Maysville and Big Sandy Railroad, with power and authority to extend from such point to low-water mark on the Ohio river in or near said town; thence up the valley of Kinniconnick and its branches to a junction with the Elizabethtown, Lexington and Big Sandy Railroad, in

either Rowan or Carter county, by such route as may be found practicable and be determined by the board hereinafter named.

§ 2. The capital stock of said company shall be one hundred thousand dollars, to be increased, if necessary in the opinion of the board to complete or furnish the road with lands, rights of way, depots, sites, machinery, cars, or other convenient appendages or equipments, to make or carry on the business of said company, and to build all necessary or convenient branch roads, sidings and turnouts. Said shares to be divided in shares of one hundred dollars each, and to be considered personal property. Capital stock.

§ 3. That A. H. Parker, J. W. Sweet, C. B. Houghton and George W. Bruce, Jr, of Lewis county; George A. Corum, of Greenup county, and L. W. Leet shall be commissioners, with power to open books and receive subscriptions for stock in this corporation; and they, or any three of them, may appoint the times and places for opening said books, giving ten days' notice of such times and places by written notices set up on the door of each house where said books may be opened, and also printed in some newspaper published in Lewis county. Incorporators.

§ 4. As soon as twenty thousand dollars have been subscribed to said capital stock, the said commissioners, or any three of them, shall advertise an election for a board of five directors, with a president, to be taken from said board, to manage the affairs of said company; and that at such election two commissioners shall attend and conduct the same; and each stockholder shall, at such election, have one vote for each share of stock he or she may hold, and may vote by proxy; and the person having the highest number of votes shall be declared elected, notified thereof, and that they shall take an oath before some justice of the peace, notary public, or clerk of a court, faithfully to discharge the duties of their station, severally. The president and directors shall hold their office for one When to begin business

year, and until others are elected and qualified ; and shall have powers to fill all vacancies in their board, to appoint a treasurer, secretary and other agents, engineers, servants or laborers, necessary to carry out the object of this act.

§ 5. The directors shall have power to cause all necessary examinations and surveys of the route for said railroad and its branches to be made, and shall select the route on which same shall be constructed ; but if said directors, after having selected a route for said railway, find any obstacle to continuing said locations, either by the difficulty of construction or procuring right of way at a reasonable cost, or whenever a better cheaper route can be had, they shall have authority to vary the route and change the location within the limits hereinbefore set out.

Powers.

§ 6. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary or convenient in accomplishing the object for which the corporation is created, and may, by their agents, engineers and surveyors, enter upon such route, place or places selected as aforesaid, as the lines whereon to construct said railroad ; and it shall be lawful for said corporation to enter upon, and take possession of, and use all such lands and real estate as may be necessary for the construction and maintenance of said railroad and its branches, and the accommodations requisite to and appertaining unto them, and may also receive, hold, and take all such voluntary grants and donations of land and real estate as may be made to said corporation to aid in the construction, maintenance or accommodation of said road ; but all lands or real estate thus entered upon or used by said corporation, and all earth, timber, stone, gravel and other material needed by said company shall be purchased of the owners thereof at a price to be mutually agreed upon, unless the same shall have been given or granted by the owners thereof, or they shall consent to taking, using and

appropriating same; and in case of any disagreement with the owner as to the price of such lands or materials, or if the owners are under any disability in law whatever to contract, or absent from the county, application may be made, either by said owners or by said corporation, under the General Statutes, to assess and appraise the damages, and condemn said lands and materials to the use of said company; all lands donated to the corporation they are required to sell and dispose of the same within five (5) years from the date of receiving said lands.

§ 7. The said corporation shall have power to locate Branch roads. and construct branch roads from the main route to any other towns or places in the several counties through or near which said road may pass, not destroying the vested rights of other corporations.

§ 8. The said company may demand and receive for transportation of goods, produce or property of any kind whatever along the railway, any sum not exceeding the following rates: On all goods, merchandise, or property of any description transported by them, reasonable rates, not exceeding (10c.) ten cents per ton per mile for transportation; and for the transportation of passengers, a rate not exceeding (3c.) three cents per mile for each passenger.

§ 9. Any person, copartnership, company or corporation doing business in this State or out of it, may subscribe to the capital stock of the company hereby created, and become stockholders therein; and the said company may make contracts with any person, copartnership, company or corporation, in or out of this State, for the construction, in whole or in part, maintenance, or operation of its road when completed; and may employ them, or any of them, for such purposes, or may lease the road to them, or any of them, when completed, for maintenance and operation, on such terms as may be agreed on.

§ 10. That the president and directors shall, in

Build and maintain railroad.

order to enable them to complete the subscription to the capital stock and to call and collect the same, and to locate, construct, finish and furnish the line of railway and branches herein authorized, and to manage, maintain and operate the same after construction, shall have, and they and their successors and assigns are hereby invested with, all the powers, rights and privileges granted to railroad companies by the general laws of this State, and which may be necessary and proper for carrying out the object of this charter.

§ 11. Said railroad company shall begin work in good faith on said road within twelve months after the passage of this act, and shall complete said road within three years after the expiration of said twelve months.

§ 12. This act to take effect from and after its passage.

Approved March 20, 1890.

## CHAPTER 374.

AN ACT to amend an act, entitled "An act to amend an act and reduce into one the several acts in relation to the city of Lebanon."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That article one, section one, of an act, entitled "An act to amend an act and reduce into one the several acts in regard to the city of Lebanon," approved March third, one thousand eight hundred and eighty-four, be amended by striking out the words "one-half," in the second line of said section, and inserting in lieu of said words, the words "three-quarters."

§ 2. That article two, section fifteen, of said act be amended by adding, immediately after the word "trustees," in the fourth line of said section, the

following words, namely: "On or before the first day of March of each year."

§ 3. That article three, section twelve, of said act be amended by striking from said section the word "April," and inserting the word "March" in lieu thereof.

§ 4. That article four, section seven, of said act be amended by striking out the word "annual," in the twenty-first line of said section, and by inserting in lieu thereof the word "monthly;" and by striking from the twenty-first and twenty-second lines of said section the words "before the first day of April of each year."

§ 5. That article five, section two, of said act be amended by striking out the words "one hundred and fifty," and inserting in lieu thereof the word "twelve."

§ 6. All laws or parts of laws in conflict with this act are hereby repealed.

§ 7. This act shall take effect and be in force from its passage.

Approved March 20, 1890.

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## CHAPTER 375.

AN ACT to amend an act, entitled "An act to incorporate the Lexington Hydraulic and Manufacturing Company," approved February twenty-seventh, one thousand eight hundred and eighty-two.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the fifth section of the act to which this is an amendment, and all that portion of the fourth section of said act from and including the words, "and to agree with the owner or owners of any lands, tenements, or hereditaments, and so forth," down to the end of said fourth section, be, and the same is hereby, stricken out, and that the following be, and the same is hereby, substituted in lieu thereof, namely: Said

Purchase land. company shall have the power, from time to time, in its discretion, to purchase, in fee or lease, and to take conveyance from the owners thereof, any lands, tenements or hereditaments that may be needed to enable it to accumulate and furnish a plentiful supply of water to the city of Lexington and its inhabitants; and if, in order to secure such lands as may be needed, it shall be necessary for it to purchase more than is needed for said purpose, it shall have the power to purchase and take conveyance of same, and to sell and convey such part as it does not need; but it shall not hold such excess over what it may need for a longer period than five years. It shall have the power to agree with the owner of any lands, tenements or hereditaments that may be needed for use in, or may be damaged by, any of said operations, for and about a reasonable compensation to be made for such use or damage which such owner may sustain by the employing, directing, or obstructing any stream, or the making, raising, cutting, or laying any dams, reservoirs, dykes, mounds, aqueducts, canals, trenches, pipes, or conduits, or any other act or operation authorized or contemplated by this act.

§ 2. If said company shall for any reason be unable to contract with the owner of any land, tenements or hereditaments for the purchase or lease of such as may from time to time be necessary for its purposes, or for a reasonable compensation for the use of or damage to such as may from time to time be used in or damaged by the aforesaid operations, it shall file in the office of the clerk of the Fayette County Court a petition containing a particular description of the land which it needs to acquire or use, or which may be damaged by it, and stating the purposes for which the condemnation of such land is desired, and giving the name or names of the owner or owners of such lands, tenements or hereditaments, and of any person having an interest therein, and praying for the condemnation thereof, to the extent or for the purpose



desired. It shall thereupon be the duty of said court to appoint three impartial housekeepers of said county as commissioners, who, after having been first sworn to faithfully and impartially discharge their duties, shall view the lands described in the petition and assess the value of the interest or estate sought to be acquired, and the damages, if any, resulting to the adjacent lands of the owner, deducting, however, from such incidental damages the value of the advantages or benefits, if any, that will accrue to such adjacent lands from the prudent conduct of the operations proposed; or if only the right be sought to use or affect the land described for some specified purpose or purposes, the commissioners shall assess the damages resulting therefrom. And said commissioners shall, upon the completion of same, return their report in writing to the court.

§ 3. Upon the filing of said report the owners of and persons interested in said land shall be summoned to show cause why the same shall not be confirmed, in the same manner that defendants in civil action are required to be summoned. The clerk shall issue such summons, and if the defendants, or any of them, be non-residents or under disability, he shall, upon the conditions prescribed in the Civil Code, make as to them such orders as are required by the Civil Code as to such defendants in civil actions. At the next regular term of said court commencing after the defendant shall have been summoned the length of time prescribed by the Civil Code, it shall be the duty of the court, if said report be in conformity to this act, to confirm the same and render judgment pursuant to its terms, to the extent that no exceptions have been filed thereto. If exceptions shall be filed by any party, the court shall forthwith empanel a jury to try the issues of fact made by the exceptions; and in trying any such issue that may be made as to the amount of damages, the jury shall be governed by the rules above prescribed as to the commissioners, and may be

Provide for trial.

sent by the court, in its discretion, to view the land in question. If sufficient cause be not shown for setting aside the verdict and awarding a new trial, the court shall render judgment in conformity thereto.

§ 4. Upon the rendition of judgment as hereinbefore provided for, and payment or tender to the owners of the amount due as shown by the judgment, and of the costs adjudged to them, the estate or interest or tenement, as the case may be, which may be condemned, shall immediately vest in said company, which shall thereupon have the right to immediate possession and use; and the court shall cause a commissioner, appointed by it for the purpose, to convey by deed such estate, interest or easement to said company, and shall enforce by all appropriate orders or writs the said right to immediate possession and use. If there be more than one defendant, the said company may pay the amount due under the judgment and the costs into the court, such payments to have the same effect as if paid to the owner in person; and it shall be the duty of the court to ascertain the interest of the respective owners and apportion the same amongst them.

Appeal.

§ 5. Either party may appeal to the circuit or common pleas court for said county from the judgment of the county court, when rendered upon the verdict of a jury: *Provided*, Such an appeal be taken within thirty days after the rendition of such judgment. The party appealing shall file in the office of the clerk of the court to which the appeal is taken a statement of the parties to the appeal, and a transcript of the orders of the county court; and thereupon said clerk shall certify to the clerk of the county court that said appeal has been taken, and the latter shall immediately transfer the papers into the clerk's office of the court to which the appeal is taken. The exceptions to the report shall be tried *de novo* upon the appeal, and if no sufficient cause be shown for setting aside the verdict and granting a new

trial, judgment shall be rendered in conformity to the verdict. If it shall appear that the amount awarded by the county court has been paid, and the verdict on the appeal shall be for a greater amount, judgment shall be rendered in favor of the owner for the difference; and if it be for a less amount, judgment shall be rendered in favor of the company for the difference. If the amount awarded by the judgment in the county court has not been paid, judgment shall be rendered for the amount ascertained by the verdict on the appeal. The party as to whom the judgment on the appeal shall be less favorable than that in the county court, shall pay all the costs of the appeal. If, on the appeal, it shall appear that the company has not obtained the possession of the deed provided for in the fourth section of this act, the court trying the appeal shall have full power to secure to the company such possession, and to cause such deed to be made by its commissioner.

§ 6. The power hereby conferred of condemnation, and of purchasing or leasing or agreeing with the owners of land touching a compensation for the use of or damage to same, may be exercised from time to time, and as often as may be necessary in the judgment of said company to enable it to accumulate and furnish to said city and its inhabitants a plentiful and adequate supply of water; and in any and all losses when land is purchased or condemned for purposes of a reservoir, or for the collection and storage of water, said company shall have the sole and exclusive occupancy, use, possession and control of such land, and the right to prohibit the entry thereon of any and all persons whatsoever, for any purpose whatsoever, except by its consent.

§ 7. This act shall take effect from its passage.

Approved March 20, 1890.

## CHAPTER 376.

AN ACT to incorporate the Kentucky Drilling Company

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That George M. Reynolds, S. H. Dooley and Gus. W. Richardson, their successors and assigns, be, and they are hereby, created a body-corporate, with perpetual succession, by the name and style of Kentucky Drilling Company ; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places as natural persons ; to take, hold, own, and in anywise alien property, real, personal or mixed ; to have and use a common seal, and alter the same at pleasure ; and to conduct its business and execute contracts in relation thereto, and establish and ordain such by-laws as may be necessary or convenient for government of said corporation, not inconsistent with the Constitution and laws of this State or of the United States.

§ 2. The said company shall have power to contract with any individuals or corporations for drilling, boring or anywise sinking and maintaining wells for the purpose of producing water, natural gas, petroleum or salt water, in or out of the State of Kentucky ; and is authorized to receive in payment for any work so done any species of property, or the capital stock of any corporation or individual, and hold, transfer, assign or dispose of the same to individuals or corporations in such a manner as the board of managers or directors may deem proper ; and any capital stock so secured and accepted by said company in payment of services performed for any of the purposes named herein shall be deemed and held as fully paid up and non-assessable.

§ 3. Said company is empowered to construct, lay, maintain and operate derricks, machinery, tanks,

buildings, pipes, receivers, gasometers, warehouses; manufactories, and any other improvements or appliances by means of which natural gas, petroleum and salt water, or either, may be produced, stored, distributed, sold or utilized; and to construct, lay and operate conduit pipes of any kind, and any other suitable means for conveyance, distribution, storing, sale and utilization of same.

§ 4. Said company may convey such natural gas, petroleum and salt water to any town, city or manufactory within this Commonwealth; they shall have power to acquire by purchase, gift or condemnation, the use of any land that said company may select by its managers or directors to lay, maintain or repair such pipes, and any buildings or any other apparatus needed to be used in order to the proper and economical conveyance of gas, and so forth, as aforesaid; said company may, by *ad quod damnum* proceedings, condemn such lands as it may fairly deem necessary therefor, to be valued, condemned and paid for in the manner prescribed by an act, entitled "An act to prescribe the mode of condemning land for the use of railroads and turnpike companies," approved April eleventh, one thousand eight hundred and eighty-two.

§ 5. Said company shall have power to buy, lease and hold title to real estate, and may sell, mortgage, dispose of, or otherwise deal with the same as a natural person.

§ 6. The incorporators named herein shall be the board of managers or directors of said company, who shall serve until their successors are elected and qualified. Said board shall elect a president, manager and secretary. All meetings shall be called by the president.

§ 7. The principal place of business of this company shall be in the town of Brandenburg or the city of Louisville, as the managers or directors from time to time may agree.

§ 8. Private property of incorporators, stockholders and officers shall be exempt from corporate debts and liabilities.

§ 9. This act shall take effect from its passage.

[Became a law March 22, 1890, without the approval of the Governor.]

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## CHAPTER 377.

AN ACT to amend an act, entitled "An act to incorporate the Farmers' Mutual Aid Association of Mason county, Kentucky," approved January twenty-sixth, one thousand eight hundred and eighty-two.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the Farmers' Mutual Aid Association of Mason county, Kentucky, be amended by adding thereto as section five the following: That, in addition to the powers already granted to said incorporation, known as "The Farmers' Mutual Aid Association of Mason county, Kentucky," it is hereby empowered and authorized to insure school-houses and churches in the country, and isolated school-houses and churches in villages; and isolated toll-houses in Mason county; also the property of any member of said association residing in Mason county outside of Mason county, but within five miles of the county line, as if situated in said county. But the transfer of such property to a party not a member of this association, and an actual resident of Mason county, shall operate as a cancellation of any policy of insurance issued by this corporation upon said property so situated outside the county.

§ 2. This act shall take effect from and after its passage.

Approved March 20, 1890.

## CHAPTER 379.

AN ACT to incorporate and amend the laws of the town of Sharpsburg, Bath county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the present members of the board of trustees of said town be, and they are hereby, appointed trustees of said town, and shall constitute the board of trustees of Sharpsburg under this act ; and two of said trustees shall hold the office of trustee until the first Monday in April, one thousand eight hundred and ninety-one, two of them until the first Monday in April, one thousand eight hundred and ninety-two, and until their successors are duly elected and qualified, as hereinafter provided. Said trustees shall determine by lot who of them shall hold the office of trustees for the respective periods above-mentioned.

§ 2. That from and after the first Monday in April, <sup>Election of trustees.</sup> one thousand eight hundred and ninety, the board of trustees of said town shall be composed of six trustees, two of whom shall be elected by the legally qualified voters of said town on the first Monday in April, one thousand eight hundred and ninety, and shall hold their office for the period of three years, and until their successors are duly elected and qualified ; and on the first Monday in April, one thousand eight hundred and ninety-one, and on the first Monday in April of each year thereafter, two trustees shall be elected by said voters, and said trustees shall hold their respective offices for a period of three years from and after their election, and until their successors are duly elected and qualified. That for the purpose of electing the trustees as aforesaid, an election shall be held in said town on the first Monday in April, one thousand eight hundred and ninety, and on the first Monday in April of each succeeding year

thereafter, at such place as the trustees may appoint, and of which at least ten days' previous public notice shall be given, by written or printed notices posted at least in three public places in the town by the town clerk. The clerk and two judges, to be appointed by the board of trustees, shall hold said election, and the two persons having the highest number of votes cast at said election for the office of trustee shall be declared elected, and the town clerk issue certificates to them when directed by the board empowered to canvass the votes.

§ 3. On the first Monday in April, one thousand eight hundred and ninety, in the same manner as hereinbefore provided for the election of trustees, there shall be elected a police judge and town marshal, who shall hold their respective offices for two years, and until their successors are elected and qualified.

§ 4. No person shall be eligible to the office of trustee who is not the owner of a freehold estate in said town of the assessed value of at least five hundred dollars, and who is not a citizen of said town and a qualified voter thereof, and has not resided in said town at least twelve months preceding his election. No one shall be eligible to the office of attorney unless he has been a practicing lawyer for two years under the laws of this Commonwealth.

§ 5. All other officers of said town shall be citizens thereof, and over the age of twenty-one years.

Entitled to vote. § 6. No person shall be eligible to vote in said town for the offices thereof, at any of said elections, unless he is a citizen of this Commonwealth, of the age of twenty-one years, and has been a resident of the State two years, or of the county one year, and of the town sixty days next preceding the election; nor shall any person be eligible to hold any office of said town, or to vote at any election of said town, unless he has paid his town tax assessed and levied against him for two years preceding the one in which the election is



held, and all fines, penalties, and forfeitures adjudged against him due said town.

§ 7. That every person elected or appointed to office under the provisions of this act shall take and subscribe before some authorized officer the oath of office prescribed by the Constitution of this Commonwealth, and file a certificate thereof with the clerk of said town, and shall execute the bond required and prescribed by the provisions of this act and by-laws and ordinances of said town, before he enters upon the duties of his office.

§ 8. When a vacancy shall occur in any office <sup>Vacancy.</sup> filled by election, it shall be filled by the appointment of the board of trustees until the next regular election of such officer, or until his successor is elected and qualified.

§ 9. When two or more candidates for any elective office shall have an equal number of votes, the board of trustees shall determine by lot, in such manner as may seem to them best, who shall hold said office, and such determination shall be made in the presence of at least three other persons, citizens of said town, and the same shall be spread upon the records of said town.

§ 10. The trustees shall, before every annual town election, appoint two judges to assist the clerk in holding the same. The compensation of said judges shall be fixed by the trustees; but their liabilities shall be the same as the officers of State elections under the general laws of this Commonwealth. If the clerk, or any one appointed as judge, for any reason can not or will not act, the police judge, or, if absent, the chairman, shall appoint a clerk and judges to hold the election. The said officers of the election shall cause the poll-books to be returned to the clerk of the town, or, in his absence, to the police judge or chairman, within twenty-four hours after the election is closed.

§ 11. The board of trustees, or any four of them,

with the clerk, shall compose a board to compare the polls and give certificates of election, who shall meet not later than ten days after the election, count and compare the votes for the several candidates, and deliver certificates of election to the candidates so elected.

§ 12. In case of contested elections for any elective officer of the town, the same shall be heard and decided under such rules and by-laws as the trustees shall prescribe; and from the decision of such contest either party shall have the right of appeal to the Bath Circuit Court, in the same manner as appeals are prosecuted from the county court on the probate of a will.

Time of elections.

§ 13. The elections herein provided for shall be held between the hours of seven o'clock in the forenoon and five o'clock in the afternoon; but the officers may adjourn from time to time during the day, not to exceed two hours at a time; and all laws in force punishing illegal voting or illegal acts at the State elections shall apply to illegal voting and illegal acts at the town elections in said town, subject to the provisions of this act as to the qualifications of voters.

§ 14. The town clerk shall certify to the Secretary of State the name of the person elected or appointed to the office of police judge, and the Governor of this State shall issue a commission to such officer.

§ 15. The poll-books of all elections for said town shall be preserved by the town clerk as part of the records of his office. He shall deliver certificates of election to all officers elected or appointed when directed by the board of canvassers.

§ 16. The first election under this act shall be held on the first Monday in April, one thousand eight hundred and ninety, and the government of said town prior to that time shall consist of the various officers now in office subject to the provisions of this act.

§ 17. That if any officer elected or appointed for said town fail to qualify as such for thirty days after

his election or appointment, the said office shall be vacant.

§ 18. That if the trustees of said town at any time shall fail or refuse to appoint the judges to conduct said election, the county court of said county shall, at their next or some succeeding term, on the application of at least three qualified voters of said town, appoint judges to assist the town clerk to conduct the same, and fix a day and place therefor.

§ 19. That the marshal, clerk, collector and treasurer, before entering upon the duties of their respective offices, shall execute severally a bond, with good and solvent security, to be approved by the board of trustees. The chairman of the board shall be the custodian of the bonds, and shall take all possible care to preserve the same.

*Powers and Duties of Trustees.*

§ 20. That said board of trustees and their successors shall be a body-politic and corporate, and shall be known and called by the name and style of the board of trustees of Sharpsburg; and by that name shall be capable in law, for and in behalf of said town, of contracting and being contracted with, of suing and being sued, of defending and being defended, of pleading and being impleaded, in all courts, and of taking, holding, purchasing, leasing and conveying such real and personal estate as the purposes of the town may require within or without the limits of said town; and in all courts and places may do all things which a body-corporate with perpetual succession may lawfully and rightfully do within the limits of the powers herein granted.

Powers and duties of trustees.

§ 21. That all the legislative power and authority of said town, together with the fiscal, prudential and municipal concerns thereof, and the government and control of the same, shall be vested in said board of trustees.

§ 22. That the officers of said town not hereinbefore

provided for shall be a clerk, treasurer, assessor, collector, and such other officers and employes as the trustees, from time to time, shall appoint. Any vacancy occurring by death, removal, resignation, or otherwise, of any officer elected or appointed, may be filled by said board.

§ 23. That the board of trustees shall hold stated meetings, and the chairman, or, in his absence, the clerk, upon written petition of at least three members of said board, may call meetings by notice to each of the members. A majority of the members of the board shall constitute a quorum. At the first regular meeting after their qualification the said board of trustees shall select one of their members to preside over their meetings, who shall be styled "Chairman of the Board of Trustees of Sharpsburg." The said chairman shall not vote on any matters before the board, except in cases of a tie vote by the other members present. In the absence of the chairman any member of the board may be selected to discharge his duties for the time.

§ 24. That the board of trustees shall have the power to make, ordain and publish, and enforce all such ordinances, by-laws, police and sanitary regulations, for the good government of said town, and to protect the health, security, trade and commerce thereof, that they may deem necessary or expedient, not contrary to the Constitution and laws of this State; and they may enforce the observance of all by-laws, ordinances and regulations made in pursuance of this act by imposing penalties, not to exceed one hundred dollars' fine and imprisonment in the town jail not to exceed ten days. In all cases where the fine may exceed sixteen dollars, or the imprisonment five days, the defendant may demand and shall be entitled to a jury before the police court.

§ 25. The trustees of said town are authorized and empowered to erect a jail in said town for the confinement therein of drunken or disorderly persons and

persons violating the ordinances and by-laws of said town; and when any drunken or disorderly person is arrested in the night-time, or if not in a condition to be tried, when arrested in day-time, the officer making the arrest may commit such person to jail to await his trial, not to exceed ten hours at a time.

§ 26. That the board of trustees shall have the management and control of the finances and all the property, real, personal and mixed, belonging to said town, and shall have power to provide for the erection, repair, maintenance and government of all public buildings for the town. They shall have power within the local jurisdiction of said town, by ordinance or by-law:

*First.* To restrain and prohibit all descriptions of gambling, fraudulent devices, playing at cards or other game of chance, whereat any thing of value is bet, won or lost.

*Second.* To license, tax, regulate or prohibit billiard-tables, pool-tables or pigeon-hole tables, and all similar tables and contrivances, nine or ten-pin alleys, ball-alleys and shooting galleries.

*Third.* To license, tax, regulate, or prohibit all concerts, exhibitions, shows, circuses, theatrical performances, and all other exhibitions and amusements.

*Fourth.* To restrain or suppress disorderly houses, groceries, saloons, halls, and houses of prostitution; to restrain, suppress and punish indecent or profane language or conduct, and restrain and punish vagrants and common prostitutes.

*Fifth.* To restrain, regulate or prohibit the running at large of horses and swine, or other domestic animals, and authorize the distraining, impounding, and sale of the same for the penalty incurred and the cost of the proceeding; and also to impose penalties on the owners of such animals for a violation of any by-law or ordinance in relation thereto.

*Sixth.* To declare what are nuisances, and to provide for the abatement thereof.

*Seventh.* To appoint policemen, watchmen, and to prescribe their duties, power, term of office and pay.

*Eighth.* To have exclusive power over the streets and alleys and sidewalks, and remove and abate any obstructions and encroachments therein or thereon.

*Ninth.* To provide the town with water in any manner they may deem proper; and to establish, make and regulate public pumps, wells and cisterns.

*Tenth.* To inspect chimneys, flues and stove-pipes in all buildings, and have them removed or repaired at the owner's expense, when the public safety requires it.

*Eleventh.* To do all acts and make all regulations which may be necessary or expedient for the preservation of the health and suppression of disease.

*Twelfth.* To prevent any obscene, indecent or profane exhibition or conduct.

*Thirteenth.* To prevent horse-racing, immoderate riding or driving in the streets, and to compel persons to fasten their horses, mules or other animals, attached to vehicles or otherwise, while standing or remaining in the streets.

*Fourteenth.* To regulate license or prohibit butchers, and to revoke their license.

*Fifteenth.* To prevent the encumbering of the streets, sidewalks, lanes, alleys and public grounds with carriages, wagons, carts, boxes, barrels, lumber, coal, brick, stone, post awnings, signs, or any substance or material whatever.

*Sixteenth.* To tax, license, regulate auctioneers, hawkers, peddlers and all venders of medicines or other goods, wares or merchandise, whether at auction or otherwise.

*Seventeenth.* To prohibit the selling or giving of ardent spirits or intoxicating liquors to any minor or apprentice without the consent of his or her parent, guardian, master or mistress, and to prohibit the sale or giving of such liquors to inebriates or habitual drunkards.

*Eighteenth.* To license or not license, tax, regulate within said town, and within one mile thereof, hotel or tavern-keepers, saloons or coffee-house keepers, groceries, merchants, druggists, and keepers of other places where spirituous, vinous or malt liquors are sold, and to restrain and punish the sale of such liquors, or any of them, without license; and the said trustees may, by ordinance, prohibit the sale of such liquors, or any of them, within said town or within one mile thereof. The amount to be paid for license, if said board, in their discretion, shall authorize license to issue to sell spirituous, vinous or malt liquors in any hotel, tavern, or saloon or coffee-house, shall be not less than fifty nor more than two hundred dollars for the period of one year. The amount to be paid by any druggist for the privilege of retailing such liquors, or any of them, in quantities less than one quart, for one year, shall be fifty dollars. Any merchant, druggist or grocer, who shall obtain a license from the trustees to sell such liquors in quantities not less than a quart, shall pay for such license for one year the sum of not less than fifty nor more than one hundred dollars. Before any person shall have the right to sell spirituous, vinous or malt liquors within said town, or within one mile thereof, he shall present to the treasurer of said town a certified copy of the order of the board of trustees granting him license, and pay said treasurer the amount charged therefor as fixed by the by-laws and ordinances of said town; and any person who shall sell such liquors, or any of them, within said limits, without having complied with the provisions of this section, shall be guilty of retailing liquor without license, or be deemed guilty of keeping a tippling-house, as the case may be, and shall be fined in any sum not exceeding one hundred dollars for each offense.

*Nineteenth.* To authorize the clerk of the board to issue license and direct the time and manner of issu-

ing them, and the fees to be paid therefor. No license granted under the provisions of this act shall be transferable, and no license shall be granted by said town until all general laws in that respect have been complied with.

*Twentieth.* No license shall be granted for more than one year, and not less than two dollars and fifty cents shall be required to be paid for any license under this act; and the clerk's fee for issuing same shall be fifty cents.

*Twenty-first.* To prohibit and punish the giving to any person, by a licensed dealer, any spirituous, vinous or malt liquor, on any legal or primary election in said town.

*Twenty-second.* All licenses shall be subject to revocation by the trustees on repayment of the pro rata amount of the license fee or tax for the unexpired part of the year or time the license was to run.

*Twenty-third.* No license to vend spirituous, vinous or malt liquors, granted by the trustees, shall have any validity or effect until it shall be attested by the town clerk; and no such license shall authorize any person to sell such liquors under it on Sunday, any legal or primary election day, or on the day of any circus in said town; and the trustees shall have power to suspend the same on any day it may deem proper.

*Twenty-fourth.* To prevent and regulate the running at large of dogs, and to authorize the destruction of the same when at large contrary to the by-laws or ordinances.

*Twenty-fifth.* To prevent and regulate the playing of ball, flying of kites, shooting of fire-arms, any kind of fire-works, or any other amusements or practices having a tendency to annoy persons passing on the streets or sidewalks, or to frighten teams and horses.

*Twenty-sixth.* To provide for the use of said town a fire engine, organize a fire company, and make necessary regulations for the prevention of damage by fire.



*Twenty-seventh.* To grade and macadamize the streets, alleys and avenues of said town.

*Twenty-eighth.* To allow the town attorney and the town marshal, in addition to their regular fees, such monthly or annal salary as the trustees may fix. •

*Twenty-ninth.* To allow the trustees to levy a poll-tax on each male citizen not to exceed two dollars in any one year.

§ 27. That the chairman of the board of trustees shall preside over the meetings of the board, and take care that the laws of the Commonwealth, and the by-laws and ordinances of the town, are enforced, and that all the executive officers of the town discharge their respective duties. The chairman shall likewise have the power to perform the duties of police judge in all prosecutions for violating any town ordinance, in cases where, from a vacancy in the office of police judge, or from absence, sickness or other cause, the police judge does not and can not act, and he shall be allowed the same fees therefor as the police judge is allowed; and he shall account for and pay over to the treasurer all fines or other moneys received by him in his judicial capacity.

§ 28. That the clerk of the board of trustees shall keep the corporate seal, if there be one, and make and keep a record of the proceedings of the board of trustees, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the proceedings of the board of trustees certified by him, shall be evidence in all courts. He shall likewise draw warrants on the treasury, and countersign the same, and keep an accurate account thereof in a book provided therefor, and perform such other duties as the trustees may, by ordinance or by-laws, require of him. At any meeting, if the clerk from any cause can not act, the board of trustees shall appoint one of their members clerk *pro tempore*. The clerk shall receive as compensation for his services such sum as the board of trustees may allow him.

Treasurer.

§ 29. That the treasurer shall receive all moneys belonging to the town, and keep an accurate account of all receipts and expenditures as the board of trustees may direct. All money shall be drawn from the treasury by warrant of the chairman, or that member of the board of trustees acting as chairman, countersigned by the clerk. Such warrant shall specify for what purpose the amount therein is drawn. The treasurer shall exhibit to the board of trustees, on the first Monday in March of each year, and oftener if required, a full and detailed account of all receipts and expenditures, and also the state of the treasury, which account shall be filed in the office of the clerk, and by him spread upon the records of his office.

Marshal.

§ 30. That it shall be the duty of the marshal to attend the sittings of the police court, to execute all process, civil and criminal, issued to him directed by the police judge, chairman of the board of trustees, or a justice of the peace, and all process placed in his hands for execution which a constable is authorized by law to execute. He shall possess the same power and authority of a constable in this Commonwealth, and his power for discharging his duties shall be co-extensive with Bath county. He shall procure evidence in cases affecting the town; and he shall be subject to the same liabilities, together with his securities, in the same manner and to the same extent as constables under the general laws. He shall have power to appoint deputies not exceeding two, to be approved by the board of trustees, and sworn to discharge their duties; and they shall have the same power to execute civil and criminal process as the marshal, and the marshal be responsible for their acts on his official bond. The marshal may or not be appointed collector for said town by the board of trustees; but if appointed, he shall be required to give, in addition to his marshal's bond, his bond as collector to the board of trustees, to be approved by them and filed with

other bonds of the town. He shall act as jailer for said town, and when not receiving a stated salary, he shall receive the same fees as the jailer of Bath county for like service: *Provided, however,* He shall receive no pay for putting in jail or taking out a prisoner until after such prisoner has been convicted in the police court of said town for violation of the by-laws and ordinances of said town. The marshal shall receive the same fees allowed by law to sheriffs or constables for similar services.

§ 31. That it shall be the duty of the collector to collect all taxes which may be levied by the board of trustees, and pay the same to the treasurer as fast as he may collect the same; and he shall perform such other duties as may be prescribed or required by the board of trustees.

§ 32. That the assessor shall perform all the duties Assessor which the trustees may, by by-laws or ordinance, prescribe in relation to assessing the property for taxation by the board of trustees. If any person refuses to give a correct list of his taxable property, when legally called on to do so, he shall be fined not less than five nor more than fifty dollars, in the discretion of the police judge.

§ 33. That the board of trustees shall have power, at any and all times, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties under the charter of all officers elected or appointed under this act to any office under this act, whose duties are not herein specifically mentioned, and fix their compensation.

§ 34. The treasurer, collector, marshal and clerk, before they enter upon the duties of their respective offices, shall severally execute a bond, payable to the board of trustees of Sharpsburg, with such conditions and sureties as the board of trustees may approve, conditioned that they will faithfully execute the duties of their respective offices, and pay over to

such persons, at such times as they may respectively be entitled to the same, all moneys or property that shall come to their hands as such officers; which bond, with the approval of the board certified thereon by the clerk, shall be filed and carefully kept by the chairman of the board of trustees. Said board of trustees may also require bond to be executed by the other officers of said town, the forms thereof to be prescribed by ordinance, which bonds shall be filed and kept with the chairman of the board of trustees.

§ 35. That the board of trustees of Sharpsburg, or any other person injured by the breach of any or either of said bonds, may, in any court having jurisdiction, prosecute suit or notice on said bond against any officer by whose breach of duty they have been injured, and his sureties, or any or either of them, or the personal representatives, heir or devisees of any or either of them, as now provided by law for proceeding against sheriffs or constables on their bonds; and the said bonds shall not be satisfied by the first or any other recovery thereon until the board of trustees, and every person aggrieved by the acts or omission of such officer, shall have been recompensed.

§ 36. That if any person, having been an officer in said town, shall not, within ten days after notification and request, deliver to his successor in office all the property, papers and effects of every description in his possession belonging to said town or appertaining to the office he held, he shall forfeit and pay for the use of said town one hundred dollars, besides all costs and damages for his neglect or refusal to do so, which be recovered by action in the police court.

*Police Court.*

§ 37. That there is hereby established in said town a court styled the "Sharpsburg Police Court," to be held by the police judge of Sharpsburg.

§ 38. That said police court shall have exclusive original jurisdiction of all violations of the ordi-

nances and by-laws of said town, and concurrent jurisdiction with the justices of the peace of Bath county in all criminal, penal and civil cases and proceedings. In all civil actions, where the amount in controversy, exclusive of interest and costs, exceeds fifty dollars, the action shall be by petition and summons; but the plaintiff shall pay the police judge a tax of fifty cents, to be taxed as costs, and accounted by said judge on his official bond to the trustees of the jury fund. He shall hold his court in said town at some place provided by the board of trustees, on the second Saturday in each month, and continue from day to day until the business is disposed of.

§ 39. That said police court shall be a court of record, and the judge thereof shall act as the clerk of the same, and certified copies of the records of said court, over the signature of the judge, shall be evidence in any court in this Commonwealth. Said police court shall have no appellate jurisdiction, and all judgments of said court in criminal and penal cases, under the general laws, or for any violation of a town ordinance where the fine imposed does not exceed sixteen dollars, or the imprisonment ten days, or in civil cases where the matter in controversy does not exceed sixteen dollars, shall be final and conclusive. But in all other cases an appeal may be taken under the provisions of the Civil and Criminal Codes of Practice within sixty days after the rendition of the judgment, in the same manner as appeals are taken from justices' courts. The police judge shall have a jury to try all matters before him, if demanded by either party, where the amount in controversy exceeds sixteen dollars.

§ 40. When any prosecution is instituted for a breach of any of the ordinances or by-laws of said town, the prosecution shall issue in the name of the Commonwealth for the use and benefit of the trustees of Sharpsburg; and said town shall be entitled to the fine or penalty recovered, and in case the defendant

or defendants are acquitted, the town shall not be responsible to the officers for the costs. The process in civil cases or in criminal or penal cases, under general laws, may be returnable to said police court, or to any magistrate of said county; but in all cases pertaining to a violation of a town ordinance, the process must be made returnable to said police court.

§ 41. That all fines, penalties, or forfeitures imposed by or arising from cases instituted in said police court, where the by-laws and ordinances of said town shall have been violated, shall, when collected, be paid into the town treasury.

§ 42. The defendant shall have the right to replevy, for three months, any judgment for any fine or forfeiture in said police court, or any *capias pro fine*, or *feri facias* issued thereon, by giving bond with good security; and a return of *nulla bona* on a *capias pro fine* or writ of *feri facias* issued on any judgment in the police court, shall authorize an attachment against the property of the defendant to the satisfaction of the judgment.

§ 43. Any person convicted in the Sharpsburg Police Court for a violation of the by-laws and ordinances of said town, and failing to pay or replevy his fine and costs, may be confined in the town jail for such length of time as shall not exceed one day for each dollar of his fine and costs; and during such confinement may, by order of the said police court, be placed at labor upon any of the public ways or streets of said town, or may be required to do any other work prescribed by ordinance, not exceeding eight hours for any one day; and while so at labor he shall be under the control of the marshal or policeman, or other such person, as the trustees may designate, and may be securely fastened to a chain and ball not exceeding fifty pounds in weight: *Provided, however,* That the trustees of said town shall have the power at any time, by resolution or ordinance, to discontinue working prisoners; and when such resolution or ordinance

is adopted, the trustees shall cause the judge of the police court to be notified of such action, and said court shall not order the prisoners to be worked during the time such resolution or ordinance is in force.

§ 44. The said police judge shall be entitled to the following fees: For swearing a jury and presiding over it in any case except breaches of the peace and forcible entry and detainer, one dollar; for presiding at the trial of all breaches of the peace or misdemeanor, to be taxed against the defendant if found guilty, two dollars; for taxing costs for each party or parties at each term when judgments for costs are rendered, or on a final judgment, twenty cents; for docketing a case at each term, ten cents; and all other fees of said judge shall be the same as allowed to justices of the peace.

§ 45. That in case of the absence from town, sickness or death or resignation of the police judge, the nearest justice of the peace of said county may hold said police court with all the powers of the police judge.

§ 46. That the marshal or policeman shall arrest any person who is drunk or disorderly in said town without a warrant, and it shall be his duty to place such person in the town jail, without a mittimus, until such person is duly sober, when he shall bring such person before the police court for trial. Any disorderly person in said town at night shall be arrested by the marshal and placed in the town jail without a mittimus until next morning, when such person shall be brought before the police court for trial.

§ 47. That any failure of the marshal or policeman to discharge the duties prescribed in the preceding section shall subject him to a fine of not less than ten nor more than fifty dollars, to be recovered before the police court, in which case the process may be directed to and executed by the sheriff, jailer, or any constable of Bath county.

*Streets and Alleys.*

§ 48. That the board of trustees of Sharpsburg shall cause all streets, alleys, or public grounds laid out by them to be surveyed and described, a description to be recorded in a book kept for that purpose by the clerk of said town, showing particularly the proposed improvements and the real estate required to be taken ; and such streets and alleys, when opened, shall be the public highways.

Streets and  
alleys.

§ 49. That whenever the public convenience may, in the opinion of the board of trustees, require any street or alley, lane or highway, to be opened, laid out, extended, changed, straightened, or altered, or any public grounds to be laid out or to be opened, they may obtain or purchase from the owners thereof such real estate as may be necessary therefor, and obtain from such owner or owners a conveyance of such real estate, which conveyance shall be recorded in the office of the clerk of the Bath County Court.

§ 50. That in all cases where the board of trustees can not or do not obtain or purchase such real estate, and receive conveyances therefor, they shall have power to cause to be filed in the Bath County Court a petition, in which the board of trustees of Sharpsburg shall be made plaintiffs, and all the owners of such real estate and guardians of infant owners shall be made defendants ; but it shall not be necessary to swear to said petition. Said petition shall describe the street, alley, lane, highway or public grounds that is sought to be laid out, altered, extended, widened or straightened, the character of the proposed improvements, where situated, and the names, if known, of the owners of the real estate required to be taken. If any of said owners are non-residents, and who are infants, the petition shall state who are non-residents and who are infants, if such there be ; and all such owners, and the guardians of such infants, shall be summoned actually as required by the Civil Code of Practice as in ordinary actions, if residents of this



State; and the non-resident owners, if any, shall be warned as required by said Code, and guardians *ad litem* shall be appointed for such infants, who shall answer; and an attorney shall be appointed for any non-resident defendant or defendants in the way and manner required in said Code of Practice, and his duties shall be as therein prescribed; and after all of the defendants shall have been so actually and constructively summoned before the court, and the answer of the guardian *ad litem*, and the report of the attorney for the non-residents shall have been filed, the county court shall appoint two intelligent, competent and disinterested citizens of said town, who are house-keepers and not akin to either of the parties, as commissioners to ascertain and report the damages that shall accrue to the owner or owners of said real estate. If the opening, alteration, extension, widening, or straightening of the street, alley, lane, highway, or public grounds that is sought in the petition shall be made, said commissioners, being first duly sworn to discharge their duties herein, shall, by actual view of the premises, and by such evidence as may be offered before them by either side, ascertain and assess the damages, including the value of the real estate proposed to be taken, that will accrue to or be sustained by the owners of such real estate, if the improvement proposed in the petition shall be ordered to be made. Said commissioners shall file a written report of their assessments, together with the evidence taken before them, in the office of the county clerk at least five days before the next term of the Bath County Court after their appointment, at which court the plaintiffs, or any of the defendants, may file exceptions to said report; and at said term the county court shall hear such exceptions, if any, to said report, and shall approve and confirm, or alter or quash the same; or he may, for cause shown, continue the hearing of such exceptions until the next term of the court; and if, upon the final hearing, the court shall approve or

alter the amount of damages assessed in said report, he shall give judgment for such amount so determined by him to the party or parties entitled thereto, to be paid by the said board of trustees out of the treasury of the funds of said town; and shall order the street, alley, highway or public grounds to be laid out and opened upon the payment of said damages. That from such judgment of the Bath County Court either party aggrieved may take an appeal to the Bath Circuit Court. If such an appeal be taken, the clerk of the county court shall deliver all the papers and transcript of the records pertaining to said suit to the clerk of the Bath Circuit Court ten days before the next term of said circuit court, and said circuit court shall hear and determine the said report of said commissioners and the exceptions thereto, and by its judgment confirm or modify or quash said report. If said court shall confirm or modify the amount of said assessment of damages, it shall order that, upon the payment of the amount so determined by it to the parties entitled thereto by the said board of trustees, the said board shall lay out and open, or alter or widen or straighten the street, alley, highways or public grounds mentioned in the petition, and upon the payment of such damages said real estate so taken shall be public property, and under control of the board of trustees: *Provided*, That at any time before such order shall be made to lay out, or open any such street, alley, highway or public grounds, the board of trustees may abandon the proceeding, being responsible for all costs that may have accrued to any party to said proceedings; and in such event the public grounds, street, alley or highway shall not be opened out.

§ 51. That the trustees of said town shall have power to require the owners of real estate in said town to repair and keep in repair the sidewalks in said town in front of or binding on their real estate in said town; and if the owner of any real estate in

said town shall fail to repair the sidewalks in front of, or binding on their real estate in said town for forty days after the owner or occupant of said real estate shall have been notified by the trustees, then the trustees shall have power to cause said sidewalks to be made and repaired as aforesaid at their own expense, and may sue the owner of the property whose duty it was to repair and keep the same in repair, and recover the amount so expended by them in repairing the same, and ten per cent. thereon and costs of suit, in any court of competent jurisdiction ; and they may have all the remedies to recover the same that any other creditor has to recover and coerce all debts due him ; and in all cases under this section the police judge shall have full jurisdiction : *Provided*, That no person shall be required to make a sidewalk in front of his premises until after the street in front has been graded and macadamized.

*Taxation.*

§ 52. That the board of trustees of Sharpsburg shall Taxation. have power, subject to the exceptions herein mentioned, to annually levy and collect taxes not exceeding fifty cents on each one hundred dollars' worth of all the real estate in said town, including the improvements on such real estate and upon all personal estate, including dwelling-houses, store-houses, warehouses, hotels, shops, offices, stables, barns, cribs, or other buildings adjacent to either, together with any inclosed lot or lots upon which any such improvement may be situated, and all vacant lots of land now or which shall hereafter be laid off for the purpose of erecting any such buildings upon, including all yards, gardens, stable lots, orchards and vineyards ; also personal and mixed property owned by the citizens of said town, including money, notes and choses in action, and all personal or mixed property located in said town, owned by persons not citizens of said town, subject to State taxation ; and all stock, capi-

tal, or money invested in any bank shall also be subject to taxation for town purposes.

§ 53. That there shall be exempt from taxation under this act all lands within the limits of said town used exclusively for farming purposes, unless said lands shall be, or has been, divided into town lots, then they are to be taxed as other property. There shall also be exempt from taxation under this act all public property belonging to said town, the county of Bath or the State of Kentucky, and all churches and parsonages, and all grounds dedicated to such uses, school property and cemeteries.

§ 54. That the board of trustees shall also have power to annually levy and collect a tax on dogs, not exceeding one dollar on each dog over one that any person may keep or suffer to be kept on his premises.

*Assessment and Collection of Taxes.*

§ 55. The board of trustees shall have power, by ordinance, to prescribe the form of assessment rolls, and prescribe the duties and define the power of assessors, and make such rules and give such directions in relation to attending, revising or adding to the rolls as they may deem proper and expedient, not inconsistent with the general laws. That the annual assessment rolls shall be returned by the assessor on or before the first Monday in May of each year; but the time may be extended by the board of trustees. On the return thereof the board may fix a day for hearing objections thereto, and the clerk shall give notice of the time and place of such hearing; and any person feeling aggrieved by the assessment of his or her property may appear at the time specified and make objections. The board of trustees shall have power to supply omissions in said assessment rolls, and for the purpose of equalizing the same, to alter, to take from, or add to, or otherwise correct and revise the same. That when the assessment rolls shall have been corrected and revised,

the same shall be filed, and an order confirming the same shall be entered by the clerk. The board of trustees shall thereupon, by ordinance or resolution, levy such sum or sums of money as they may deem proper, not exceeding the amount authorized by this act, and to direct the collector to collect the same.

§ 56. That all taxes and assessments, general and special, levied or assessed by the board of trustees under this act, shall be a lien upon the real and personal estate upon which the same may be until such tax shall be paid. No sale or transfer of real estate shall affect the lien thereon for such taxes.

§ 57. The collector shall collect all taxes and assessments which shall be levied and assessed by the board of trustees, and for that purpose he shall have all the powers of a sheriff to make sales of personal and real estate; he shall pay over to the treasurer all taxes and other moneys by him collected as soon as collected. When the tax list is placed in his hands he shall proceed at once to collect the same, and to enforce payment may levy on and sell personal property, advertising the same by printed or written notices, posted at three public places in said town for at least ten days. Within four months from the time he receives said list he shall make out and return to the board of trustees a report, showing the amount collected, the names of those who have paid, and those who are delinquent; but he shall return no person delinquent, nor shall he be credited in his settlement with the trustees by the list of any person who owns personal property in said town out of which their taxes can be made. Upon return of the collector's report, as above provided, the board of trustees shall, by order duly entered of record, direct a warrant to be made out, signed by the chairman and countersigned by the clerk, commanding the collector to levy upon and sell so much of the real property of the delinquents, naming them, situated in the town, as

may be necessary to pay the taxes due, naming the amount and cost of sale. On receipt of said warrant, the collector shall proceed to make levies as thereby commanded, and shall sell so much of the property levied on, at public auction, to the highest bidder, on the public square or adjacent thereto, in Sharpsburg, as will pay said tax and costs of sale; but before making said sale he shall advertise the time, terms and place of sale, amount to be raised, and description of the property to be sold, by written or printed notices, posted up in at least four public places in said town for not less than fifteen days before the day of sale. On receiving the price bid, he shall give to the purchaser of the property a certificate of purchase, describing the property in such manner that it may be identified. Such certificate, on presentation to the board of trustees, shall entitle the purchaser to a deed from said trustees to any real estate so purchased, unless the same be redeemed as hereinafter provided; and said collector shall make to the board of trustees, within such time as they may direct, a full and complete return of the manner in which he has executed said warrant, which return shall be spread upon the records of the board.

§ 58. The collector shall be allowed such fees for selling as the board of trustees may prescribe. The clerk shall keep a record of such sale, which shall be open for public inspection at all reasonable times.

§ 59. The right of redemption, in all cases of sales of real estate for taxes or assessments, shall exist to the owners for the period of two years from the day of sale, on payment of the amount for which it was sold, and twenty per cent. thereon and taxes accruing subsequent to the sale. If estate of any infant or *feme covert* or lunatic be sold under this act as aforesaid, the same may be redeemed at any time within two years after such disability has been removed. In case of redemption, the money may be paid to the purchaser, or for him to the town clerk, who shall

make a special deposit thereof ; if not redeemed, the board of trustees, upon the return of certificate of sale or proof of its loss, shall direct the collector or his successor to execute a deed to the purchaser, conveying to the purchaser the premises so sold and unredeemed as aforesaid. The collector may charge a fee of one dollar for every deed so made, to be taxed as other costs.

§ 60. If at any sale of real and personal estate for any taxes or assessments, if no bid shall be made for any parcel of land or ground, or any chattels, the same shall be struck off to said board of trustees for the benefit of said town, and thereupon the board of trustees shall receive from the officer making the sale a certificate of the sale thereof, and they shall be vested with the same rights as other purchasers at such sales for the benefit of the town.

§ 61. Any deed, or duly authenticated copy of the record thereof, made for real estate sold for taxes or assessments, shall be *prima facie* evidence of the power and authority to sell the same, and that all the proceedings in reference to such sale, and levying taxes or assessments for which the same was sold, were regular.

§ 62. All persons liable to pay poll-tax under the provisions of this act, who shall fail to pay the same for four months after notice and demand by the collector, may be required to work on the streets of the town under the direction of the collector or other officer, as the board of trustees may direct, at such rate per day as said trustees may ordain, until such tax is discharged ; and the person or persons so working shall be entitled to a receipt for such tax. Any person who shall, without lawful excuse, fail or refuse to work as provided in this section, after two days' previous notice by the collector, shall, by proper prosecution in the police court, be fined the sum of two dollars and fifty cents for each offense.

*General Provisions.*

§ 63. The board of trustees, at least two weeks before each annual assessment as herein provided, shall cause to be posted in two public places in said town a full and complete statement of the receipts and disbursements from the date of the last annual report, together with the sources from which the former was derived, and their mode of disbursement, together with such other information as may be necessary to a full understanding of the financial condition of the town.

§ 64. Every ordinance, by-law or regulation imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, after the passage thereof, be published one week by posting up written or printed copies thereof at three public places in said town.

§ 65. That all property, real, personal or mixed, now belonging to the town of Sharpsburg, or the board of trustees of said town, is hereby vested in the board of trustees as created or provided for by this act.

§ 66. That the Bath County Court shall not grant a  
Sale of liquors. license to any person or persons to sell spirituous, vinous or malt, or intoxicating liquors, within said town, or within one mile thereof, unless the person applying for such license shall produce to the county court a certificate from the board of town trustees of Sharpsburg, showing said board of trustees has granted such applicant a license to sell spirituous, vinous, malt or intoxicating liquors, and that the tax imposed by the board of trustees has been paid. Said certificate shall be signed by the chairman, and attested by the town clerk.

§ 67. That the present police judge and marshal of Sharpsburg shall be continued in office, and exercise all duties and functions of their respective offices under this charter, until their successors are duly elected and qualified as herein provided.



§ 68. All ordinances and regulations and by-laws now in force in said town, and not inconsistent with this act, shall remain in full force until altered or repealed by the board of trustees.

§ 69. All acts or part of acts in relation to the town of Sharpsburg and its government and officers, heretofore enacted by the General Assembly of the Commonwealth of Kentucky, which are inconsistent with this act, are hereby repealed.

§ 70. The said board of trustees shall have power to authorize and direct any collector, by them appointed, to collect all taxes which have been heretofore levied by the board of trustees of said town which are unpaid, and said collector, when so required, shall collect said taxes, and shall have all the powers for enforcing the collection of the same that are herein given to the collector of taxes in said town.

§ 71. The corporate limits and boundary of said town shall extend one-half mile from the center of the public square in said town in every direction.

§ 72. This act shall take effect and be in force from and after its passage.

Approved March 20, 1890.

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## CHAPTER 380.

AN ACT to incorporate the "Deposit Building and Loan Association," of Lexington.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That W. D. Nicholas, G. M. Ockford, W. S. Marshall, Joseph LeCompte, Charles L. Bell, J. S. Botts and Charles Kear, their associates, successors and assigns, be, and they are hereby, constituted a body-politic and corporate, under the name and style of the "Deposit Building and Loan Association," of Lexington, Kentucky, with power to have, purchase and receive, possess, enjoy and hold, sell, convey, or

otherwise dispose of lands, tenements, goods, chattels, public and private securities; contract and be contracted with, sue and be sued, plead and be impleaded in any court of this Commonwealth; shall have perpetual succession; have a common seal, with power to alter or renew the same at pleasure, and shall have and possess such other powers as are consistent with the objects of the association, and not contrary to the laws of this Commonwealth and those of the United States.

Object of association. § 2. The object of this association is to afford its members an opportunity for a safe investment of their savings, and thus facilitate and aid them in acquiring houses and other property, and the accumulation of a fund for the mutual benefit of the stockholders. Its business shall be to loan its capital as paid in, and the accumulations thereof, only upon mortgages and liens upon real estate or good collateral securities, or both combined, ample in amount to secure the same, preference being given in all cases to the members of the association, and loaned to others (but not to a corporation) only when members do not desire to borrow; and such loans shall be made in such a manner as the by-laws may direct, together with such premium as the parties to whom the loan is made may offer.

§ 3. The business of this association shall be transacted by a board of seven directors, who shall be elected at such times and places as may be prescribed in the by-laws, and in such manner as hereinafter prescribed.

§ 4. No person can hold an office in this association who holds a like office in a similar institution.

§ 5. The officers of this association shall be a president, vice-president, solicitor, secretary, treasurer, and assistant secretary, if one be deemed necessary. The directors shall elect a president and vice-president, to serve for one year; said directors shall also elect a solicitor and secretary and treasurer, to serve for two years; all of said officers to serve for the time

specified for each, or until their successors are duly elected and qualified; any vacancies to be filled by the board of directors in such manner as may be prescribed by the by laws. The president and vice-president must be members of the board of directors; the others can be selected either from the stockholders or board of directors; the incorporators herein named shall constitute the first board of directors, and shall hold their office for the period of one year from the date of organization for the transaction of business, when a new board shall be elected in such manner and for such time as may be prescribed in the by-laws. A majority of said board shall be a quorum for the transaction of all business, and have a right to fill all vacancies in the board. At the first election held by the board of directors, the officers hereinbefore named shall be elected by the first board of directors from among their own number, and shall hold their offices as hereinbefore specified, and thereafter the general officers of the association shall be elected as hereinbefore provided for in this section.

§ 6. The officers and directors may, from time to time, make and adopt any rules and by-laws for conducting the business of the association, which rules and by-laws may be altered and changed, from time to time, in such manner as may be provided in the original by-laws, none of which, however, shall be in conflict with the provisions of this act or the general law.

§ 7. In elections, and at meetings for the transaction of other business, not governed by the by-laws, or directed to be done in any particular manner by this act, each member present shall be entitled to one vote for each share of stock held by him, infants and married women voting in their own right as herein-after provided.

§ 8. The capital stock of this association shall be one million dollars, to be divided into two thousand shares of five hundred dollars each, payable in sums Capital stock.

of twenty-five cents, fifty cents, and one dollar, at such times and in such manner as shall be provided in the by-laws.

§ 9. The incorporators above-named, or any one or more of them, shall open books for the subscription of stock, and whenever one hundred shares shall have been subscribed, said association may go into operation. Other shares may be subscribed from time to time, in like manner as those subscribed by original share-holders, either with or without the payment of back dues, but those becoming members without the payment of back dues shall share only pro rata in the profits, to be calculated from the date of their entrance in the association, and upon the amount paid in by them on said stock at the time such a dividend shall have been declared : *Provided*, That no dividend shall be declared on shares that have not been enrolled three months prior to the declaration of such dividend.

§ 10. This association shall be operated on the perpetual plan ; and when any shares of stock shall attain the value of five hundred dollars, such shares must be withdrawn, and the holder be entitled to receive said amount from the association on each share. Any member may withdraw from the association by giving such notice, and on such terms as may be required in the by-laws.

§ 11. The dividends of this association shall be declared semi-annually, and credited on the shares of each member, after setting apart and reserving such surplus as may be deemed necessary by the board of directors.

§ 12. The greatest indebtedness to which this association shall at any time subject itself shall be ten thousand dollars.

§ 13. The private property of members and stock-holders shall not be liable for corporate debts.

§ 14. The stock of this association shall be transferable on its books in person or by duly authorized

attorney, in such manner as may be provided in the by-laws, and all stock issued by this association shall be signed by the president and secretary.

§ 15. The association may provide in its by-laws Penalties. what reasonable penalties may attach for failure to pay the installments of stock at the time fixed therefor, and shall have full power to enforce such penalties by reasonable fine or forfeiture of such stock. It may provide also upon what terms members desiring to do so may withdraw from the association, and may also direct what officers, if any, shall be required to execute bonds with security for the faithful performance of their duties; and may require the payment in advance, as may be fixed on each share of stock, an amount for the necessary expenses of the association, payable weekly, monthly or annually, and may also fix an initiation fee on each share.

§ 16. Said corporation may issue its bonds, or use Issue bonds. any surplus for the purpose of erecting buildings, or securing or purchasing real estate as an investment for the purpose of sale, upon such terms as may be agreed upon, or for other good purposes in accord with the good and safety of the association; but no bonds shall be issued without the consent of the association by a two-thirds vote of the board of directors, and said bonds shall be at a rate of interest not exceeding six per cent. per annum, payable annually or semi-annually.

§ 17. In addition to the mortgage or other lien or security which may be given by a stockholder to the association to secure any loan which may be made, a first lien is hereby given to the association upon the interest and stock of any such share-holder in said association to secure it in such indebtedness.

§ 18. Married women and infants may subscribe for Married women and infants. stock in this association in their own name, and manage and control the same as single women and persons of full age. Any married woman or infant who shall become a member of this association shall be liable to

all the duties and penalties of any other stockholder, and enjoy the same benefits and privileges; and any receipt or note or other obligation, executed by such married women or infant to this association, in the course of its business, shall be as binding as if such receipt, note or obligation had been executed by an unmarried woman or person of full age; and such stockholder shall have the same rights to borrow money from said association, and secure same by mortgage or otherwise, as any other stockholder in said association.

Wind up business.

§ 19. Should the members of this association at any time desire to wind up its affairs, a dissolution may be had by a resolution in writing, signed by members representing not less than one-third of the shares of the association, asking for such dissolution, and shall offer the same at a regular meeting. The board of directors shall then notify the stockholders of a meeting to be held, not less than ten days after the date of such notice, at which meeting such resolution shall be considered, and if three-fourths of the shares of the association shall be voted for a dissolution, then the same shall be dissolved, and the board of directors shall take the necessary steps to wind up the association.

§ 20 This act shall take effect from and after its passage.

Approved March 20, 1890.

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## CHAPTER 381.

AN ACT to incorporate the Pineville Street Railway Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Incorporators.

§ 1. That James S. Ray, Vincent Boreing, James H. Tinsley, M. J. Moss and William Low, their associates, successors and assigns, who may become

stockholders, be, and they are hereby, created a body-politic and corporate, by the name of the Pineville Street Railway Company; and by that name shall have perpetual succession, and be capable of suing and being sued; may have a common seal, and alter the same at pleasure; may have power to contract and be contracted with, and acquire, hold, real and personal property by lease or purchase, and dispose of same by lease, sale or mortgage, and do any and every other thing necessary, proper and convenient to be done to carry out and facilitate the purposes of this corporation as completely as a natural person might do.

§ 2. The capital stock of said company shall consist of fifty thousand dollars, divided into two thousand shares of twenty-five dollars each, which may be increased by a vote of the stockholders, from time to time, to any amount not exceeding five hundred thousand dollars; and individuals and other corporations, either in or out of this State, are authorized to subscribe for and hold said stock. The stock may be subscribed for and be paid for in cash at par, or in property of any kind, or services performed for the company, which property or service shall be, in the judgment of the board of directors, equivalent to par. Capital stock.

§ 3. The incorporators named above, or such of them as shall subscribe for stock in this corporation and act, shall constitute the first board of directors of said company, and as soon as two hundred shares, five thousand dollars of stock, shall be subscribed for, may organize the corporation and serve as such directors until their successors are duly elected and qualified. The said board of directors, or a majority of them, shall meet at such time and place as they may agree upon, and from their own number, or from such persons as they may associate with themselves, elect a president and such other officers and agents as they may deem necessary. They shall have power to adopt such by-laws, not inconsistent Officers.

with the general laws of this State, for the government of the company, its officers, agents and employes in the general conduct and management of the affairs and business of the company, as they may deem necessary and proper, and may alter, amend and repeal the same at will.

§ 4. The by-laws shall provide for an annual election of a board of directors, consisting of not less than five nor more than nine in number, who shall be stockholders of said company, and shall fix the time and place and determine the manner of the first and succeeding election of directors. The directors shall severally hold their office for one year, or until their successors are elected and qualified. The board of directors may fill any vacancy occurring in their number. The by-laws shall also provide for annual and extraordinary meetings of the stockholders of the company, and at such meetings every stockholder shall be entitled to one vote for each share of stock held, which vote may be cast in person or by proxy.

§ 5. It shall be lawful for the president and directors of this company to open stock-books for subscription to the capital stock, at such time and place, and continue them open such length of time as they may deem necessary. The capital stock of the company is declared to be personal property, and may be issued, transferred, certified and registered as may be provided by the by-laws.

§ 6. The Pineville Street Railway Company is hereby authorized and empowered to locate, construct, maintain and operate by steam, electricity, horse or other power, a street railroad, with all necessary tracks and switches, stations, stables, engines, machinery, appliances, cars, trucks, tools and plants of whatsoever kind, and said corporation may construct and operate its line or lines of railway over any or all the streets of the town of Pineville, with the consent of the municipal authorities thereof, and also to any



other point or points within a distance of five miles, and shall have the privilege at any time of extending its lines or constructing other lines, as the growth of the town of Pineville or the company may require; and said corporation may acquire by donations, purchase or otherwise all necessary land, rights of way, materials, easements and privileges. If such lands or material can not be procured through voluntary agreement with the owners thereof, said corporation shall have the power to condemn and pay therefor, as is given by the general laws to railroad corporations. Condemn land.

§ 7. The said corporation, in order to raise means Issue bonds. for the construction, equipment, or operation of its railroad, may issue and sell the bonds of the denomination of one thousand dollars (\$1,000) or less, each bearing interest not exceeding six per cent. per annum, payable semi-annually, with coupons attached, to be made payable as said company may direct, not exceeding fifty years from the date of issue, and secure the payment of the principal and interest thereof by a mortgage or deed of trust conveying any of the property and franchises of said corporation to a trustee or trustees, with such covenants and stipulations as may be deemed expedient.

§ 8. Said corporation is hereby empowered to acquire from the town of Pineville by contract all and every necessary right of way, privilege and easement for constructing its railroad in the streets, alleys, roads and public ways of said town.

§ 9. Said corporation may make contracts with any corporation, company, individual or individuals, for constructing and equipping its railroad or any part thereof, and may pay for the same wholly or partially in the stock, bonds, or other property of said corporation, in such manner and upon such conditions as may be deemed for its best interests.

§ 10. The said corporation shall have power to establish rates of toll for the conveyance of persons and

property on its railroad not exceeding five cents per passenger within the limits of said city.

Time to begin. § 11. This charter shall be forfeited unless work on the said street railroad be begun within one year, and one mile thereof is completed within two years from the passage of this act.

§ 12. This act shall take effect from and after its passage.

Approved March 20, 1890.

## CHAPTER 382.

AN ACT to fund the debt of Marion county.

WHEREAS, Marion county did, in the year one thousand eight hundred and seventy-one, by authority of law vested in its county court, issue three hundred thousand dollars of the bonds of said county, with which to pay for stock subscribed for in the Cumberland and Ohio Railroad, which bonds mature the first day of April, one thousand eight hundred and ninety-one; and whereas, when said bonds fall due the county will not have on hand a sufficient amount of sinking fund to pay the entire debt, and about eighty thousand dollars of said debt will be unprovided for, and the county desires to provide for the payment of said balance by the issual of the bonds of the county; and whereas, the county is indebted in the sum of eighteen thousand dollars on account of sundry obligations of the county for balance owing by the county for county jail, vaults for the clerk's office, county roads, and pay the poor of the county, and for turnpike roads, and desires to provide for the payment of said debt by the issual of the bonds of the county; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Issue bonds. § 1. That the county judge of Marion county is authorized and empowered to issue the bonds of

Marion county in an amount equal to the amount the county will be owing on account of said indebtedness on the first day of April, one thousand eight hundred and ninety-one, after all of the assets of the sinking fund and other available funds of the county shall have been applied towards the extinguishment of said indebtedness, not exceeding one hundred thousand dollars. Said bonds shall bear date April first, one thousand eight hundred and ninety-one, and one-fifth of the whole amount shall be due in one year from said date, one-fifth in two years, one-fifth in three years, one-fifth in four years, and the remaining fifth five years from said date; and said bonds shall bear interest from date at a rate not exceeding six per cent. per annum, interest payable semi-annually. The principal and interest of said bonds shall be paid at the Louisville Banking Company, of Louisville, Kentucky. Said bonds shall have interest coupons attached, and shall be signed by the county judge and clerk of the Marion County Court, and shall bear the county seal, and the coupons shall be signed by the clerk of the county court. Said bonds shall be issued in such denominations as the court of levy and claims may deem best, and shall be made payable to bearer.

§ 2. The bonds issued under this act to (the) fund the said railroad bond debt shall so state on their face, and those issued to fund the general county debt shall state on their face for what purpose they are issued; and all the bonds issued to pay the general county indebtedness shall be due in one year from April the first, one thousand eight hundred and ninety-one; and a sufficient amount of the bonds issued on account of the railroad debt shall also be made payable in one year from April first, one thousand eight hundred and ninety-one, so that the two amounts together will be equal to one-fifth of the whole issue.

§ 3. To meet the payment of the interest on said

Levy tax.

bonds and the bonds as they fall due, the judge of the Marion County Court is authorized and required to annually make a levy on the taxable property of the county of such an amount as will be sufficient to meet the interest and bonds falling due each year. The first levy shall be made on or before the first day of June, one thousand eight hundred and ninety-one, and annually thereafter, on or before the first day of June of each year, until all of said bonds and coupons are paid.

Duties of sheriff. § 4. The sheriff of Marion county, by virtue of his office, shall collect said tax as other county taxes are collected by him, and he and his sureties shall be responsible for such taxes upon his county levy bond, in the same manner as they are by law for other county taxes collected by him. The sheriff in collecting said tax shall have the same powers of distraining, attaching and levying and selling property that he now has by law for the collection of other taxes due the county; and said taxes shall be a prior lien upon the taxable property of the county as other taxes due the county are now by law; and the sheriff shall not be allowed exceeding three per cent. on the amount collected and paid out by him as compensation for his services as such collector.

§ 5. The sheriff shall annually make settlement with the court of levy and claims of his accounts as such collector at the same time he makes his settlement for other county taxes. The court of levy and claims shall, at the October term, one thousand eight hundred and ninety, appoint a commissioner, whose duty it shall be to attend to the funding of said debt when due, and to the paying off of the old bonds and debts.

§ 6. He shall have power to sell or otherwise realizing on any and all securities belonging to the sinking fund, and to sell the bonds authorized to be issued under this act, or to exchange them for old bonds;

but none of said new bonds shall be sold or exchanged for less than par value.

§ 7. The sinking fund commissioners who may be <sup>Sinking fund</sup> <sup>commissioners</sup> in office October, one thousand eight hundred and ninety, under the present law, shall, at the October term, one thousand eight hundred and ninety, of the court of levy and claims, make with said court a full settlement of their accounts as such commissioners, and turn over to the commissioners who may then be appointed under this act all the funds then in their hands belonging to the sinking fund and to Marion county; but before the commissioner who may be appointed under authority of this act shall proceed to act as such, he shall qualify and execute bond, with good security, payable to the Commonwealth of Kentucky, for the use and benefit of Marion county, conditioned for the faithful performance of his duties as such commissioner, which bond must be approved by the court of levy and claims.

§ 8. The sheriff shall pay over to the said commissioner the taxes as such taxes are collected by him, less his commission; and the collector of railroad tax under the present law shall pay to said commissioner such taxes as he may have in his hands at the time said commissioner is appointed, and all that he may collect thereafter.

§ 9. Said commissioner shall apply the taxes received by him from the sheriff to the payment of the bonds issued under the authority of this act, and coupons as they fall due.

§ 10. The old bonds and coupons, as well as the new bonds and coupons taken in by commissioner, shall be, when they are taken in, destroyed by said commissioner in the presence of the court of levy and claims; but a record shall be kept on the records of the court of the numbers and denominations of the bonds and coupons so destroyed. The commissioner authorized to be appointed under this act

shall be appointed annually, at the October term of the court of levy and claims on and after October, one thousand eight hundred and ninety, and said court shall have full power to fix compensation for his services, and if expedient, to procure the services of a competent person without compensation; and the office of sinking fund commissioner, as provided and existing under the present law, shall be abolished after the October term, one thousand eight hundred and ninety, of the court of levy and claims.

§ 11. It shall be the duty of the county judge of Marion county to have the bonds authorized to be issued under this act executed and delivered to the commissioner on or before the first day of February, one thousand eight hundred and ninety-one.

§ 12. A record shall be kept in the office of the clerk of the Marion County Court of the number and amounts of the bonds issued under this act, as well as those delivered to the commissioner. The sheriff, when he collects the taxes to pay the interest as well as the principal on the bonds hereby authorized to be issued to fund the railroad debt, shall specify in the receipt given to the tax-payer that the tax received is for taxes to pay the interest and principal of Cumberland and Ohio Railroad bonds.

§ 17. *It is further provided,* That in the event that the sheriff is not willing to collect the tax at a less rate than three per cent., and the court of levy and claims can not agree with him upon a compensation less than three per cent., in such event the county court of levy and claims shall have authority, if it so desires, to appoint a special collector to collect said tax and to agree with him for a less per cent. than three per cent.; but before such collector shall proceed to collect said tax he shall qualify and execute bond as such collector, with good security to be approved by the court of levy and claims.

§ 14. The collector appointed under this act shall

have all the powers herein vested in the sheriff, and shall be governed by the same restrictions as the sheriff.

§ 15. This act shall take effect on and after its passage.

Approved March 20, 1890.

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### CHAPTER 383.

AN ACT to prevent hogs from running at large in the county of Jefferson, and provide a penalty therefor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful, after this act goes into effect, to permit in the county of Jefferson any hog or swine from running at large outside of the inclosure of the owner or keeper, and who, being the owner or keeper, or having possession or under his control any hog or swine, shall suffer the same to run at large outside of his inclosure, shall be fined not less than five nor more than ten dollars for every such offense.

§ 2. The running at large or herding of such stock upon the public highway, or on any unclosed land, without the consent of the owner or person having the control of such lands, shall be deemed running at large under this act.

§ 3. Any hog trespassing within the inclosure of any person in said county after this act goes into effect may be taken up and confined to prevent the commission of damage. The taker-up shall forthwith notify the owner of such stock of such confinement, if known to him; when, if the owner or person controlling such stock shall fail, for twenty-four hours after notice, to receive such stock and take care of them, he shall be fined two dollars, and shall be fined one dollar for every twenty-four hours he shall fail to receive and take care of same after such notice.

§ 4. Any person suffering damages from a breach or breaches of any hog unlawfully running at large in the county of Jefferson may recover compensatory damages therefor, in addition to said fine, in any court of competent jurisdiction; and he shall have a lien upon the trespassing stock for the payment of said damages; and it shall be no defense that the lands trespassed upon were not inclosed by a lawful fence: *Provided*, Said lien shall be dissolved unless suit is instituted for its enforcement within three months from the commission of the damage; and said lien shall not be enforced to the prejudice of a *bona fide* purchase, without notice before suit is instituted to enforce said lien.

§ 5. Justices of the peace shall have exclusive jurisdiction of all prosecutions for a violation of the provisions of section one and three of this act.

§ 6. All fines collected under this act shall be paid to the surveyor of roads in the road district where the offense shall be committed, and shall be expended on the public road in said district.

§ 7. Before this act shall be enforced it shall be submitted to the qualified voters of Jefferson county for their adoption or rejection, as hereinafter provided, and the same shall be in force whenever said act shall be ratified by a majority of the qualified voters of said county thereon at any regular August election as provided herein, which election shall be held at the time or times according to the provisions of this act.

§ 8. It shall be the duty of the judge of the Jefferson County Court, upon a petition signed by at least thirty legal voters of the county, to enter up an order in the order-book of said court, at the regular term of said court after receiving said petition, requiring the sheriff of Jefferson county to open a poll at each voting precinct in the county at the regular August election, which shall be held not less than sixty days from the date making said order, for the purpose of taking the sense of the legal voters in said county



upon the proposition whether or not the species of stock named in this act shall be permitted to run at large in said county.

§ 9. It shall be the duty of the clerk of the Jefferson County Court to deliver to the sheriff of said county a certified copy of said order of the judge of the county court within said days after said order is made; and it shall be the duty of the sheriff to have order advertised by printed copies thereof, conspicuously posted in at least five public places in each voting precinct in the county for at least thirty days preceding said election.

§ 10. The clerk of the county court of said county shall prepare two columns in the poll-books of said county for taking said vote, and a poll shall be opened at the said regular election in every election precinct in said county.

§ 11. The same officers appointed in Jefferson county to conduct the State and county elections shall take the vote herein provided for. It shall be the duty of the clerk of each precinct to propound to each voter the question: "Are you for or against hogs running at large in this county?" and he shall enter each vote cast for and against same in the appropriate columns in said poll-book.

§ 12. The poll shall be returned, examined and compared as other polls are returned, examined and compared by the same officers as in State and county elections; and if it shall be ascertained that a majority of the votes cast in the county were against such stock running at large in the county, it shall be the duty of the examining board to make and sign a certificate of the fact, and to deliver said certificate to the clerk of the Jefferson County Court, which shall be safely kept by said clerk until the next regular term of the county court, and the judge of the county court shall cause said certificate to be spread upon the order-book of his court, and said entry if such certificate on the order-book shall be conclusive evi-

dence of the adoption of this act, and a certified copy of such entry shall be competent evidence in all legal proceeding.

§ 13. After the expiration of ninety days after the entry of said certificate in the order-book of the county court, the provisions of this act shall be in full force and effect in the said county of Jefferson.

§ 14. The poll to take the sense of the people under this act shall not be opened oftener than once in every two years until the same shall be adopted: *Provided*, That if this act shall not be ratified and adopted at the first poll opened therefor, the county judge shall not make the order for opening another poll thereafter until the petitioners have deposited with him a sufficient sum of money to pay clerks' fees and the cost of printing and posting notices, as provided in this act.

§ 15. This act shall not be construed as to annul any town ordinance now in force prohibiting any stock from running at large in such town, nor to affect the jurisdiction of any police court concerning any town ordinance.

§ 16. This act shall be in force from and after its passage.

Approved March 20, 1890.

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## CHAPTER 384.

AN ACT to authorize the Harlan County Court to issue and sell the bonds of said county, and provide for the payment of the same for the purpose of building a new jail.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That for the purpose of enabling Harlan County Court to raise money to build a new jail in Mount Pleasant, the county seat of said county, the county court of said county, a majority of the jus-

tices of the peace of said county being present and concurring therein, may cause bonds of said county to be issued, not exceeding in the aggregate the sum of ten thousand dollars, of denominations of not less than one hundred nor more than one thousand dollars, as the court may direct; said bonds to be prepared and executed under the seal of the county court, signed by the judge and attested by the clerk thereof, payable to the holder thereof at such place and in such time as the court may direct, in not less, however, than five nor more than twenty years from the date of said bond, and not to bear a greater interest than six per cent. per annum; said interest to be paid annually from the date of the purchase of said bond until paid; said bonds to be redeemable at the pleasure of the court at any time after the expiration of five years after the date of purchase. Said bonds shall have interest coupons attached, which shall be signed by the county court clerk, whose duty it shall be to keep a list of all of the aforesaid bonds, showing the date, number, amount, the time issued and delivered, to whom delivered, and when due, which list shall be carefully kept by him in his office.

§ 2. Said county court shall have full power and authority to sell and dispose of and deliver to the purchaser the bonds herein provided for, and to provide for the payment of principal and interest of same in such manner and at such times as it may think proper, through or by a commissioner appointed by said court: *Provided*, That none of said bonds shall be sold for less than par face value. But before said commissioner or agent herein provided for shall enter upon the discharge of the duties of his office, he shall take an oath before the county court to the effect that he will well and faithfully discharge his duties as commissioner or agent, and shall also execute a good and sufficient bond before said court, conditioned that he will faithfully discharge

his duties, and that he will pay over in due time to the proper person any and all money received by him from the sale of said bonds.

§ 3. The said county court may deliver said bonds to the said commissioner at such time and such amount as it may deem proper ; and he shall sell and dispose of same under the provisions of this act in such way as the court may direct, and pay over the money arising from the sale of such bonds to the person appointed by the court to receive the same. Said commissioner shall keep an accurate list of the number, date, amount, time when due, and to whom sold, and also a list of those unsold, and shall make a full and complete report to said court, together with said list of said bonds.

§ 4. Said court shall appoint some suitable person as receiver, whose duty it shall be to receive and receipt for the money arising from the sale of the bonds herein provided for, and pay the same out by order of the county court at such times and in such manner and to such persons as the court may direct ; but before said receiver shall enter upon the discharge of his duties he shall take an oath in open court, before the county judge, to the effect that he will faithfully discharge his duties ; and he shall also execute a good and sufficient bond in said court, to be approved by the county judge of said court, conditioned that he will faithfully discharge his duty as receiver aforesaid, and that he will at such time and in such manner and to such person pay over any money in his hands as receiver, whenever directed by the said county court.

§ 5. That for the purpose of raising money to pay off the bonds and interest thereon, as provided for in this act, the county court of said county, a majority of the justices of the peace, together with the county judge, being present and concurring therein, may levy an ad valorem tax of not exceeding twenty-five cents on the one hundred dollars' worth of taxable prop-

erty in said county, and a poll or capitation tax of not exceeding three dollars on each tithe-payer in the county per year, for such number of years as may be necessary to raise the amount of money authorized by this act.

§ 6. The tax herein provided for shall be collected by the sheriff of said county at the same time and in the same way as is now provided by law for the collection of the State revenue, and he shall receive the same compensation therefor; but before proceeding to collect the tax herein provided for he shall execute bond, with good and sufficient security, to be approved by the court, in the same way as is now provided for by law for the execution of bond for the collection of county levy.

§ 7. Said sheriff shall pay over the money so collected by him to such person or persons and at such times as the court may direct, and he shall be under the same responsibilities and liabilities as is now provided for by law in the collection of other public dues.

§ 8. This act shall take effect and be in force from and after its passage.

Approved March 20, 1890.

## CHAPTER 385.

AN ACT to amend and reduce into one the several acts relating to the incorporation of the town of Pikeville, Pike county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the legally qualified voters residing in the town of Pikeville, in the county of Pike, shall, on the first Monday in January next, and every two years thereafter, between the hours of nine ante meridian and four post meridian, meet at the court-house in said town, and proceed to elect five trustees, a police judge, and a town marshal for said town, who

Election of trustees.

shall be residents of said town and qualified voters of Pike county, and who shall hold their respective offices for two years from said elections, and until their successors are elected and qualified ; and the first election shall be conducted under the direction of the clerk of the board of trustees of Pikeville, and in case of his absence, or can not or will not hold said election, said election shall be held by some person appointed by the board of trustees then in office, and each succeeding election shall take place in like manner. If said election should from any cause not take place on the day aforesaid, then the same may be held in the same manner provided for aforesaid or any week day after said day shall have been designated by public notice, in writing, over the signature of two or more of the qualified voters of the said town of Pikeville, being posted at the court-house door of said town for at least five consecutive days previous to said election.

**Voting place.** § 2. That all the elections held under this charter shall be held at the court-house in the said town of Pikeville.

**Certificate of election.** § 3. That it shall be the duty of the officer holding said election to at once, upon the closing of the polls, to award to the persons receiving the highest number of votes for the office of police judge, trustees and town marshal, a certificate of election, signed by him, and to file the poll-books of said election in the office of the county court clerk of Pike county, who shall preserve the same on file in his said office.

**Hours of election.** § 4. That all elections held under this charter shall be held between the hours of nine ante meridian and four post meridian of the day designated in section one.

**Oath of office.** § 5. That before said trustees, police judge or town marshal shall enter upon the duties of their office, they shall take an oath before some legally authorized officer that they will support the Constitution of this State, and faithfully, and without favor or affection

to any one, discharge the duties of their office during their continuance in office.

§ 6. If two-thirds of the citizens, tax-payers and <sup>Petition.</sup> legal voters of the said town of Pikeville, shall sign a petition asking that a poll be opened upon the proposition whether or not spirituous, vinous or malt liquors shall be sold in said town, and present the same to the officers holding the first election under this act thirty days before said election, then it shall be the duty of the officer holding the first election under this charter, at the same time and place that the election is held for the offices of said trustees, police judge, judge and town marshal, to open a poll that each person having the right to vote for trustee, police judge, or town marshal, shall have the right to vote either in favor of or against any person being licensed to sell by retail ardent, spirituous, malt or vinous liquors inside the corporate limits of said town of Pikeville; which vote, when so taken, shall be certified by the officers taking it, and filed with the poll-books in the office of the county court clerk; said clerk shall file and safely keep the same, subject to the inspection of any person who may desire to see the same. And if at said election the majority of the votes cast shall be against granting the license aforesaid, then the county court shall not grant them until at some regular election of officers of said town said majority shall be in favor of granting said license; nor shall any distiller of the above-named liquors, or any other person, sell the same in any quantity within the corporate limits of the said town of Pikeville without a license; and for each and every violation of this provision the person or persons so offending shall be fined in any sum not less than twenty-five nor more than one hundred dollars, or imprisoned not less than twenty-five days, or both, at the discretion of the police judge; and said police judge is empowered to try said offender or offenders. But if the majority of

votes cast at said election be in favor of said proposition, then it shall be lawful to grant such license. It shall be the duty of the trustees of said town of Pikeville to order a poll opened at any regular election of officers thereof, upon the proposition whether or not spirituous, vinous or malt liquors shall be sold: *Provided*, Two-thirds of the tax-payers, voters and free-holders of said town, petition them thirty days before such election to do so. If a majority of the votes cast at such election be in favor of such proposition, then it shall be lawful to grant such license; but if the majority of the votes cast at such election be against such proposition, then no such license shall be issued.

§ 7. That the said trustees and their successors in office shall be a body-politic and corporate, and shall be known by the name and style of the trustees of the town of Pikeville; and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; and may use either a common or private seal, and do all other acts, matters and things which a body-politic and corporate, having perpetual succession, can lawfully and rightfully do within the limits of the powers herein granted.

Police powers. § 8. The said trustees shall have power to make and receive all necessary conveyances in relation to said town. They shall have power over the streets, alleys and sidewalks now in said town or which may hereafter be opened; may direct the improvements of the same in such manner as they may deem most beneficial to the interests of said town. They shall have power and authority to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the Constitution and laws of this State; and they shall have power to levy and collect a poll-tax not exceeding, annually, two dollars on



each tithable, and also an ad valorem tax on all the taxable property inside of the corporate limits of said town, not exceeding, annually, fifty cents on each one hundred dollars' worth of property. They shall have power to tax auction sales, shows, concerts and exhibitions for money, when held within the corporate limits of said town; they shall have power to declare what are nuisances within said town, and, by their order, direct the same to be abated or removed, and may impose a fine on whomsoever may have caused the same; they shall have power to provide for the security of the town against fire, by organizing one or more fire companies, defining their duties, punishing by adequate penalties those who fail to perform duties required of them; they shall have power to regulate the markets and appoint a market-master; they shall have power to appoint a coal and wood measurer, define his duties, fix his fees; they shall have power to erect a pair of scales and appoint a weigher, and fix his fees; they shall have power to purchase and receive conveyances for any quantity of ground, either within or without the limits of said town, not exceeding ten acres, for a cemetery, or to erect a poor or work-house thereon, or to ordain and declare the rules and regulations for the government of the same, and to appoint all necessary officers thereof, with such compensations as said trustees may direct; and shall have power to erect or engage a house for a watch-house, for the confinement of all persons violating the ordinances of said town, and for crimes and misdemeanors committed which can be punished by confinement in the county jail by the laws of the State. They shall also have power to tax any person who may be licensed to sell spirituous, malt or vinous liquors in said town: *Provided*, Said tax shall not be less than three hundred dollars, nor exceed five hundred dollars per annum for each person so licensed. In addition to the foregoing powers, the trustees of said town shall have power

to declare any building inside the corporate limits of said town unsafe, and direct its removal or repair, and after the owner thereof has had written notice for ten days from the trustees, served by the marshal, of such unsafe building, who shall refuse or neglect to remove or repair the same, as directed by the trustees, the said trustees shall have power to direct the removal or repair at the expense of the owner of said property, which shall be ascertained, levied and collected as taxes under this charter are authorized to be collected. They shall have the power to grant building permits, and direct what security against fire shall be provided for by the builder, and cause him to observe their directions by such adequate remedies as they may, from time to time, by law or ordinance, prescribe. They shall have power to revise the assessor's books as returned by him, correct valuations, and may assess any and all persons omitted by the assessor; and they shall turn over to and take the collector's receipt for the tax-books on or before the first day of May in each year.

Appointive officers.

§ 9. That it shall be the duty of said trustees, annually after their election, to appoint a clerk, treasurer, collector, assessor and overseer of the streets and alleys, and such other officers as they may deem necessary, and take from the treasurer and collector bonds, with approved security, payable to the trustees of the town of Pikeville, in such penalty as they may direct, conditioned for the faithful discharge of their duties; and for a violation thereof on the part of said officers, motions may be made or suits brought before any tribunal having jurisdiction, in the same manner and under the same rules and regulations that motions are made or suits brought against other officers for failure of duty; and the said trustees shall have the power to remove either of said officers so appointed for failure to do their duty, and to appoint others in their stead.

§ 10. That it shall be the duty of the clerk to keep

a record of the proceedings of said trustees ; to draw Record of proceedings.  
all orders on the treasurer for the payment of money  
when ordered by said trustees, and to issue license  
for shows, exhibitions, et cetera, when the treasurer's  
receipt is presented to him for the amount of the tax,  
and do all other acts which the trustees may legally  
require of him.

§ 11. That it shall be the duty of the treasurer to Duties of treasurer.  
receive and receipt for and keep all moneys belonging  
to said town, subject at any time to the orders of the  
trustees, attested by the clerk, and to render annu-  
ally an account to the trustees, and oftener if re-  
quired by them to do so.

§ 12. That it shall be the duty of the collector to Duties of collector.  
collect all taxes which may be placed in his hands,  
and pay the same over to the treasurer, and to make  
out and return to the trustees, within four months  
after the list shall have been placed in his hands  
for collection, a report of the amount collected, and  
who from, and the name of the delinquents, and the  
amount due from each, whereupon the said trustees  
shall have the power, and it shall be their duty,  
to make an order commanding and requiring the  
collector to levy upon so much of the delin-  
quent's property, either personal, real or both, as  
may be sufficient to pay and satisfy the amount  
of tax and cost that may be due ; and, in pursuance  
of which order, the collector shall make the said  
levy ; and having advertised the said property for  
sale at the court-house door in said town for at  
least fifteen days, shall thereupon proceed to sell at  
public vendue, and at some public place, so much as  
may be necessary to pay the tax and costs due there-  
on to the highest bidder, to whom the collector shall  
give a certificate of his purchase upon his paying the  
amount bid. The certificate shall entitle the pur-  
chaser, his heirs or assigns, to demand from and re-  
ceive from the trustees a deed of conveyance of the  
property described in said certificate, warranting

alone against themselves and owner, at any time after twelve months after the sale, unless the owner or owners thereof shall have redeemed the same by paying or tendering to the purchaser, and giving notice to the said trustees of the payment or tender of the amount of said purchase money and costs, with thirty per cent. thereon, and the purchaser in all cases paying the expenses of making the conveyance; and the trustees shall have a lien on all property, both personal and real, in said town for the tax; and the collector shall have power to levy on and sell personal property for tax without an order of the trustees, and prior to the time appointed for him to return his delinquent list, and the same shall not be liable to redemption: *Provided*, That non-residents of the county shall have two years to redeem real estate in, under the same regulations above provided for others, with the addition of twenty-five per cent. more, if not redeemed in the first year after the sale: *And provided further*, That infants, *femes covert*, idiots and lunatics, may redeem their property within three years after their several disabilities shall have ceased, by paying the amount of tax and costs, and twenty-five per cent. per annum thereon from the time of sale.

Duties of assess-  
or.

§ 13. That it shall be the duty of the assessor of said town to assess all the real and personal property inside the corporate limits of said town now subject to taxation under the revenue laws of the State; and to return a list of persons who are liable to poll-tax to the board of trustees in such manner as they may direct. The assessor shall make the assessment on or before the first day of April in each year, and the valuation of the property as of February fifteenth, and return his books to the board of trustees at their regular meeting in the month of March.

Sidewalks.

§ 14. That it shall be lawful for said trustees to enter up an order directing the citizens of the town, or any portion thereof, or lot-holder, whether residing

in said town or any other place, to place a foot-walk in front of their respective lots, of such width and kind as they may direct, a copy of which order shall be delivered to the owner, his agent, or the person in possession of the property, by the marshal; and it shall be lawful for said trustees, upon the failure of any citizen or citizens of said town, or owner of property in said town, for three months after service of said order to make said foot-walk, to have the same done, and the property in front of which said foot-walk is made shall be responsible for the expense, and may be sold in the same manner as provided in section twelve for the sale of property for tax: *Provided*, That if, at the expiration of three months from the date of the notice to build such walk, the owner has not complied with the requirements of such notice, and fails or is unable to give the said board of trustees a good and sufficient reason why he has not complied with the requirements of such notice, then said board may proceed to have such walk or walks built as provided above; but the inability of the owner to procure, after due effort, such material for the erection of said walk or walks, at a reasonable price, shall be deemed a sufficient reason for the owner not having complied with the requirements of the notice. Nor is it intended that any thing in this section shall be so construed as to cause owners of property to be compelled to pay exorbitant prices for material.

§ 15. That the police judge and town marshal may qualify and enter upon the duties of their several offices immediately after receiving their certificates of election by executing bond and taking the oaths of office. Said bond shall be taken to and approved by the trustees of the said town, in session, who shall hold their offices for one year, and until their successors are elected and qualified.

§ 16. The police judge of said town shall have

Jurisdiction of  
judge.

jurisdiction of all offenses arising under the by-laws and ordinances of said town ; and shall have power to issue warrants, enter judgments, and award executions, and issue process for witnesses, and compulsory process when they fail to attend ; and as a court of inquiry in criminal cases, he shall have the jurisdiction of one justice. That, in addition to the foregoing powers and jurisdiction, the police judge shall have jurisdiction concurrent with justice and quarterly courts of Pike county for all sums in civil and penal actions to the extent of one hundred dollars, exclusive of interest and costs. He shall have power to fine and imprison for contempt not exceeding five dollars fine or three days' imprisonment. He shall have power to order a jury to be summoned in any case cognizable before him where a jury would be required before a circuit court, quarterly court, or a justice of the peace ; and for the due and efficient exercise of the power herein and hereby vested in him, he shall have power to award process and issue such writs as may be necessary to enforce the due administration of right and justice, and for the lawful exercise of his jurisdiction agreeable to the usages and principles of law. It shall be the duty of said police judge to keep a record of all his official proceedings, a copy of which shall be evidence, and shall have the same effect as records of the justice of the peace and quarterly courts ; and either party shall have the right of appeal from all judgments rendered by said judge in the same manner as appeals from justices of the peace and quarterly courts in similar cases ; and said judge shall hold his courts for the trial of civil causes, every two months, at such times as he may designate by an order entered of record in his office ; he shall keep a docket, order-book and an execution-book, which shall be provided for him by the board of trustees, and be paid for out of the funds of said town.

§ 17. That it shall be the duty of the marshal

to serve notices, et cetera, and all process and pre-<sup>Duties of marshal.</sup>cepts to him directed from said police judge or justice of the peace, or county judge, and make due return thereof; and he shall collect all executions and other demands which may be put into his hands for collection, and to pay the same over to whomsoever may be entitled thereto, under the same rules and regulations required by law of constables in the collection of executions and other demands. He may execute the above-named writs and process, make collections of executions and other demands throughout the county of Pike; he may also serve all process and other writs directed to him by the judge of the quarterly court; and may levy and collect executions that issue from the same court. The said marshal shall execute bond, payable to the Commonwealth of Kentucky, in such sum as the trustees may require, for the faithful and legal performance of his duties, and also take the oath required of sheriffs.

§ 18. That whenever a vacancy occurs by death, resignation or otherwise, in the office of police judge, trustees, or town marshal, the same shall be filled by appointment by the board of trustees, a majority of whom shall constitute a quorum for the transaction of business; and the person or persons appointed by them shall immediately enter upon the duties of their office, after taking the oaths as required of them by law and executing bond. <sup>Vacancies — how filled.</sup>

§ 19. That all fines and forfeitures for the breach of any by-laws or ordinance of said town, whether tried before the police judge of said town, a justice of the peace or county judge, shall be paid over to the treasurer for the use and benefit of said town. <sup>Fines and forfeitures.</sup>

§ 20. That the police judge shall be entitled to charge and collect the following fees, namely: For issuing a warrant in a civil case, twenty-five cents; for a peace warrant, riot, rout, breach of the peace, unlawful assembly, or disturbing religious worship, fifty <sup>Fees of judge.</sup>

cents; for a warrant for a violation of a by-law or ordinance of said town, fifty cents; for swearing a jury, and presiding over a trial in any case except forcible entry and detainer, one dollar; and for all other services, the same fees as are now by law allowed justices of the peace and quarterly court judges for similar services. That the fees of the marshal shall be the same as those now by law allowed the constable for similar services, and such other fees as the board of trustees may, from time to time, allow him by ordinance made of record.

§ 21. That the collector shall be entitled to and  
 Fees of collector. allowed the same fees that sheriffs are allowed for similar services.

§ 22. That the office of police judge and deputy  
 Judge and deputy sheriff not incompatible. sheriff or deputy clerk are declared not to be incompatible, one with the other.

§ 23. By reason of the persons residing inside of  
 Citizens exempt from working road. the corporate limits of the town of Pikeville keeping in repair the streets and alleys of said town, shall be exempted from working on the public highways outside the corporate limits.

§ 24. That the trustees shall, from year to year,  
 Salaries. fix the amount to be paid to the clerk, assessor and street overseer for their services.

§ 25. That the trustees, police judge and town mar-  
 Present officers to hold. shal in office at the time this charter goes into effect, shall hold their offices until the first Monday in January, one thousand eight hundred and ninety-one, and until their successors are elected and qualified.

§ 26. All general laws applicable to towns, and not  
 General Statutes. inconsistent with this charter, shall be applicable to the town of Pikeville, and the trustees shall have power to pass by-laws to enforce their provisions.

§ 27. That it shall be the duty of the said board of  
 Claims. trustees to publish or post on the door of the courthouse in the town of Pikeville, on the first day of March in each year, a list of all claims allowed by them during the last year. They shall set forth in



such list the name of the person to whom allowed, the amount allowed, and for what service rendered, the same to be properly attested by the said trustees or their clerk.

§ 28. That the plats of Ferrell's and Huffman's <sup>Plats.</sup> addition to the town of Pikeville, as made and filed in the clerk's office of the Pike County Court, are adopted as part of the plat of said town.

§ 29. The boundary of the corporate limits of the <sup>Boundary.</sup> town of Pikeville shall be as follows, namely: Beginning at a point on the east side of Big Sandy river, at the west edge of the public road opposite the line between the property of the "Pikeville Collegiate Institute" and Hibbard Williamson; thence down the river with the west edge of the public road to opposite the line of R. M. Ferrel and C. H. Adkins; thence crossing the river to and running with said line to the public road; thence up the east side of said road to the branch at the bridge or culvert just below D. L. Frances; thence running up and with said branch to the head thereof; thence a straight line to the line between Arch Huffman and A. J. Hatcher; thence with their line to the public road; thence crossing the road and running with line between Hibbard Williamson and the Pikeville Collegiate Institute to the river; thence a straight line crossing the river to the beginning.

§ 30. That all church and school property inside the corporate limits of said town shall be exempt from <sup>Church and school property exempt.</sup> the provisions of the charter concerning the levying and collection of taxes.

§ 31. That all the provisions of the former charters, and the amendments thereto, of the town of Pikeville, are hereby repealed.

§ 32. This act shall be in force from its passage.

Approved March 20, 1890.

## CHAPTER 386.

AN ACT to amend the charter of the city of Covington.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

*Mayor and City Court.*

§ 1. All provisions of the charter of the city of Covington establishing a mayor's court, and vesting the mayor of said city with judicial powers, are hereby repealed.

§ 2. Section one of this act shall take effect upon the election and qualification of a city judge of said city as hereinafter provided.

§ 3. There is hereby established a court of justice for the city of Covington, known as the "City Court of Covington," to be presided over by one judge, who shall be known as the "City Judge of Covington." Said city court shall have the same judicial jurisdiction and powers as have heretofore been provided for in said charter to be exercised by the "Mayor's Court of the City of Covington," except, however, that said city court shall have no civil jurisdiction for the recovery of money.

§ 4. Said city court shall be a court of record, and shall be provided with and have a seal similar to the seal now used in the mayor's court of the city of Covington; and copies and transcripts from the records of the proceedings of said court, signed and sealed by the judge thereof, shall be evidence in all courts and places whatever. Said court may award all process, original, *mesne* and final, as may be deemed necessary and proper to the due and efficient administration of justice in its jurisdiction; said process to be directed to and executed by the same officers as now provided for executing similar process from the mayor's court of Covington. And the judge of said city court shall have like

power to take and certify the acknowledgments of deeds and other instruments of writing that the mayor of the city of Covington now has.

§ 5. The judge of the city court shall act as clerk of his own court, and issue all process returnable thereto.

§ 6. The said court shall always be open for the trial of cases and hearing complaints; and may set causes for any particular day, and make process returnable to any day therein named, or forthwith when the nature of the case may so require.

§ 7. At the next August election of State officers after the passage of this act, there shall be elected, in the same manner that State officers are elected by the qualified voters of said city, a city judge, who shall be the judge of the "City Court of Covington" hereby established; said city judge shall hold his court in said city in such place as the council shall provide.

§ 8. All the provisions of the charter of the city of Covington, except as herein changed, which are applicable to the mayor's court of the city of Covington, shall apply to the city court of Covington.

§ 9. No one shall be eligible to the office of city judge of Covington who is not a voter and resident of the city of Covington, and who has not been a practicing lawyer at least five years prior to his election. The city judge of Covington shall hold his office for the term of four years, and until his successor is elected and qualified, and shall receive as compensation a salary of one thousand eight hundred dollars per annum, payable out of the city treasury, and for trial of civil cases, such fees as are by law allowed to judges of quarterly courts for similar services.

§ 10. The prosecuting attorney of the city of Covington shall perform all and singular the same services in the "City Court of Covington" that he is now required by law to do and perform in the mayor's court of Covington.

§ 11. The city judge of Covington shall not be eligible to any other office of trust, honor, profit or emolument in or under the municipal government of the city of Covington.

§ 12. At the next city election, in the month of October following the passage of this act, there shall be elected a mayor of said city, who shall take his office upon the resignation, death or completion of the term of office of the present mayor.

§ 13. The qualifications of said mayor shall be the same as are now provided by charter. He shall hold his office for a term of four years, and until his successor has been duly elected and qualified; all elections of mayor shall be at the regular municipal election in the month of October.

§ 14. The powers and duties of the mayor shall be the same as are now provided by charter, except that he shall have no judicial powers or duties. In addition to the duties now by law imposed upon the mayor, he shall give his whole undivided time and attention to the affairs of the city; he shall be supervisor of all public works, including repairing and cleaning of streets and other public places; and he shall exercise a special personal supervision over said public works, and see that all of said works are fully, faithfully and honestly executed and performed according to the contract and specifications governing the same.

§ 15. The city clerk shall, within ten days after the passage by the common council of any ordinance, order, resolution or contract by the common council, deliver a certified copy thereof to the mayor and keep a minute of the time of said delivery, and the mayor shall approve or disapprove the same; upon the approval of the same by the mayor, such ordinance, order, resolution or contract shall become obligatory. The mayor may approve a part or portion of an ordinance for the appropriation or expenditure of money without approving the whole or all of the items or

portions thereof. If the mayor disapproves any ordinance, order, resolution or contract, or any part or portion of an ordinance for the appropriation or expenditure of money, he shall return the same with his objections, in writing, to the said city council, at the next regular meeting thereof. If the mayor shall, for thirty days after receiving from the city clerk a certified copy of any ordinance, order, resolution or contract, as herein provided, fail to approve and return the same to the common council, he shall be deemed to have disapproved the same. If the mayor shall disapprove any ordinance, order, resolution or contract, or fail to return the same to the common council with his approval within thirty days after he has received a certified copy of the same from the city clerk, the common council may, by an affirmative vote of two-thirds of all the members elect, upon a call of the yeas and nays, concur in adopting it again, whereupon the said ordinance, order, resolution or contract, or the part or items of an ordinance for the appropriation or expenditure of money disapproved by said mayor, shall be obligatory; but if upon said vote less than two-thirds of all the members elect shall vote in favor of the passage of said ordinance, order, resolution or contract, said ordinance, order, resolution or contract shall not become obligatory upon the city. The manner of approval or disapproval of ordinances, orders, resolutions and contracts by the mayor shall be, except as herein modified, as now provided by the charter.

§ 16. Any person elected to the office of mayor, before entering upon the duties of his office, shall give bond with at least three sureties, to the satisfaction of the council, in the sum of fifteen thousand dollars, conditioned to the faithful performance of all his duties as mayor of Covington; each surety shall be required to take an oath that he is worth the amount of the bond above all liabilities.

§ 17. The mayor of said city shall receive a salary of twenty-four hundred dollars per annum, payable monthly out of the city treasury.

*Common Council.*

§ 18. The legislative power and authority shall be vested in a board of aldermen and a board of councilmen, which together shall form a common council.

§ 19. The board of aldermen shall consist of four members, to be elected at a general election from the city at large. At the first municipal election in the month of October after the passage of this act, four aldermen shall be elected; the two receiving the highest number of votes shall be elected for a term of two years, the two receiving the lesser number of votes shall be elected for a term of one year. If two or more receive the same number of votes, their term of office shall be determined by lot. At each annual municipal election after January first, one thousand eight hundred and ninety-one, two aldermen shall be elected for a term of two years. All the members of the board of aldermen shall hold their office until their successors are elected and qualified.

§ 20. The board of councilmen shall consist of one councilman from each ward, and they shall be elected for a term of two years, at a general election by the qualified voters of the city at large. At the first municipal election in the month of October after the passage of this act, ten councilmen shall be elected; the five receiving the highest number of votes shall be elected for a term of two years, the five receiving the lesser number of votes shall be elected for a term of one year. If two or more receive the same number of votes, their term of office shall be determined by lot. At each municipal election after January first, one thousand eight hundred and ninety-one, five councilmen shall be elected for a term of two years. All the members of the board of council shall hold their office until their successors are elected and qual-

ified. When a new ward is created the mayor shall, by proclamation, give notice to the electors at large that at the next municipal election a member shall be elected from said ward for a term of two years.

§ 21. Aldermen and councilmen, within ten days after their election, shall assemble upon separate days; and it shall be the duty of the mayor, or, in his absence or inability, the city clerk, to call to order the members elect, and the members holding over, and as the members elect are called, each shall present his certificate and take an oath or affirmation that he will, to the best of his ability, discharge the duties of the office to which he has been elected. A majority of the members elected to either of said boards shall constitute a quorum for the transaction of business.

§ 22. Each board shall elect a president and vice-president from its own body, and it shall be the duty of the president to preside at all meetings; but in his absence the vice-president shall preside; and in the absence of both officers, a president *pro tempore* shall be elected. All officers required to be elected by either board shall be elected *viva voce* upon roll-call, and the vote of each member voting shall be recorded on the journal of the board.

§ 23. Each board shall meet at least twice each month, on such days as it may select; but both boards shall not meet upon the same day; nor shall either board meet on the day after the meeting of the other board: *Provided*, That if such boards, at any time, appoint meetings, or be called to meet on the same day, the councilmen shall have precedence on any Tuesday, Thursday or Saturday; and the board of aldermen shall have precedence on any other day.

§ 24. Every legislative act of the common council, and every contract or agreement entered into in behalf of the city, shall be by ordinance, resolution, or order which shall have passed the two boards. Any ordinance, resolution, or order may originate in either

board; and when it has passed one board, may be rejected or amended in the other; and at least one week shall elapse after the passage by one board of any ordinance involving the expenditure of money, or approving or granting of any contract involving the payment of money, or the granting of any privileges or any rights, or the creating of any rights, before the passage of the same by the other board. All ordinances, resolutions or orders shall be recorded in full upon the journal of both boards. All agreements or contracts shall be recorded in full in the journal of both boards, or special book or books provided for the purpose.

§ 25. The vote of a majority of all the members elected to each board shall be necessary to pass any ordinance, resolution or order, in which the expenditure of money, the approval or granting of a contract, the granting of a franchise, or the granting or creating of a right is involved, and the vote upon all such measures shall be taken by the call of the yeas and nays. The vote of each member voting shall be recorded in the journal of the board. Every ordinance, resolution or order or contract made or approved by both boards, shall, before it takes effect, be presented, duly certified by the clerk, to the mayor of the city for approval.

§ 26. The mayor, if he approves such ordinance, resolution, order or contract, shall sign it, but if he does not approve it, he shall return it with his objections to the board in which it originated, within ten days thereafter, or if such board is not in session, at its next meeting thereafter, which objections the board shall cause to be entered in full upon its journal: *Provided*, The mayor may approve the whole, or any item or part of any such ordinance, resolution, order or contract presented to him for his signature, and the whole or any item or part of any such ordinance, resolution or order so approved by the mayor shall become obligatory, and if he does not



return the same within thirty (30) days after he has received the same from the clerk, he shall be held to have disapproved the same.

§ 27. When the mayor refuses to sign any such ordinance, resolution, order or contract, or part thereof, and returns it to the proper board with his objections, or shall have failed to approve the same as above provided, the board shall, after the expiration of not less than ten days, proceed to reconsider the same, after first notifying the other board of the action of the mayor; and if such ordinance, resolution, order or contract is approved by the vote of two-thirds of all the members elected to each board, in separate sessions, it shall then take effect as if it had received the signature of the mayor; and in all such cases the votes of each board shall be determined by the yeas and nays, and the votes of each member voting shall be recorded for or against the adoption of such ordinance, resolution, order or contract on the journal of the board.

§ 28. No member of the common council, nor shall the mayor or any municipal officer, be directly or indirectly interested in the profits of any contract, job work, or services for the corporation, or act in any way or manner as an employe under any contract made or entered into on behalf of the city, during the term for which he is elected or appointed, or for one year thereafter; and any person violating the provisions of this section shall, upon conviction, upon indictment by the grand jury, be fined not less than five hundred nor more than twenty-five hundred dollars, and shall forfeit his office and be rendered incapable of holding any municipal office, or position of trust, honor or profit under the municipal government of the city of Covington for a period of five years after such conviction.

§ 29. The city clerk shall be *ex officio* the clerk of both boards of the common council.

§ 30. No person shall be eligible as a member of the

common council who holds any municipal office, or is an employe under the government of the corporation, or who has any contract with the city, or who is less than twenty-five years of age. No person shall be eligible as a member of the board of aldermen who has not been an elector and a resident of the city for three years next prior to his election, and who is not at the time of his election a housekeeper in the city. No person shall be eligible as a member of the board of councilmen who has not been an elector and a resident of the city for three years, and of the ward from which he is elected three months prior to his election.

§ 31. The common council shall have all the power and authority that is now vested by law in the city council, except as herein changed; and the compensation of the members of the common council shall be fixed as the compensation of the members of the city council is now fixed.

§ 32. Upon the election and qualification of the members of the common council as herein provided, the present city council of the city of Covington shall be and become abolished, and all its powers, privileges and rights shall thereupon cease and determine.

#### *Street Paving.*

§ 33. The common council, in addition to the powers heretofore conferred, shall have authority to cause any of the streets, avenues and highways of said city to be improved with granite block or asphalt pavement, and the method of procedure in such case shall be as follows:

*First.* A careful estimate shall be made of the cost of said work, including the material to be furnished therefor.

*Second.* Council shall declare by resolution the necessity of such improvements, and shall publish said resolution once a week, for three consecutive weeks, in some newspaper published and of general circulation in the city of Covington. All plans and profiles

relating to the improvement shall be kept on file from and after the first publication of said resolution, in the office of the city clerk or city civil engineer, for the inspection of all parties interested.

*Third.* Council shall have full and final authority in any such improvement to make such change or changes in the grade of any streets, avenues or highways to be so improved as it may deem necessary to best conform the same to such contemplated improvement, and such change of grade shall be published with the advertisement of the resolution as hereinbefore provided; and council, before making such improvement, shall have all necessary sewers made and cause water and gas-pipes laid and connections laid, from the main line or pipe, in such street, avenue or highway, to the curb-stone, and may include in such improvement such reconstruction of the curb as it may deem necessary.

*Fourth.* The owner of a lot or land abounding or abutting upon any such improvement, claiming that he will sustain damages by reason of the improvement, shall file his claim for damages, if any, in writing, with the clerk of the city, within two weeks after the completion of the publication of the resolution hereinbefore required, and shall set forth the amount of the damages claimed, together with a general description of the property with respect to which it is claimed the injury will accrue; and an owner who fails to do so shall be deemed to have waived the same, and shall be barred from filing a claim or receiving damages; and this provision shall apply to all damages that will obviously result from the improvement, but shall not deprive the owner of his right to recover other damages arising, without his fault, from the negligence of the corporation or its agents, during the progress of the work.

*Fifth.* At the expiration of the time limited for filing claims for damages, the council shall determine whether it will proceed with the proposed im-

provement or not ; and if any such claims have been filed, they shall be judicially inquired into before commencing the proposed improvement. Such inquiry shall be upon written application of the city solicitor for a jury to the Kenton County Court ; and such proceedings shall be conducted, in the same manner as proceedings for the appropriation or condemnation of real estate by such city for the public use, so far as the same are applicable ; and the assessment of damages shall be confined to the claims filed as aforesaid. The finding of the jury shall be final, and there shall be no appeal. In cases in which the jury finds no damages, the costs of the inquiry shall be taxed against the claimant and be collected on execution ; in other cases, the court shall render judgment on the verdict and furnish the clerk of the city, on application, a statement of the amount of damages and costs in each case.

*Sixth.* After the determination of council as aforesaid to proceed with the proposed improvement, and after the ascertainment of the damages, if any, for which claims have been filed as aforesaid, council shall advertise for bids for the execution of the proposed improvement once a week, for a period of four weeks, in some newspaper published in said city, and in one newspaper published in Louisville, Kentucky, and one published in Cincinnati, Ohio.

*Seventh.* Such bids shall be filed with the clerk of the city, sealed up by twelve o'clock at noon on the last day, as stated in the advertisement.

*Eighth.* Immediately upon the expiration of the time fixed for the receiving of said bids, the bids received shall be opened publicly, in the presence of the mayor, city clerk and city auditor, or a majority of them, who shall certify the same by subscribing their names thereto. The city clerk shall present all of said bids so received and opened to the council at its next regular meeting held after said bids were received.

*Ninth.* Each bid shall contain the full name of

every person interested in the same, and shall be accompanied by a sufficient guaranty of two responsible disinterested persons, that if the bid is accepted, a contract will be entered into and the performance of it properly secured.

*Tenth.* The bids shall be upon blanks to be furnished by council, and shall refer to the specifications and the forms of contract to be entered into, if the bids are accepted.

*Eleventh.* None but the lowest responsible bid shall be accepted; but council may, in its sole discretion, reject all the bids. If two or more bids are the lowest responsible bids, and are equal, either may be accepted, but in no case shall the work be divided between them.

*Twelfth.* The contract shall be between the city and the bidder, and the city shall pay the contract price for the work in cash.

*Thirteenth.* The cost of any improvement contemplated herein shall include the costs and expenses of the proceedings and the damages, if any, awarded to the owners of any property abutting or adjoining such improvement; the costs and expenses of the assessment; the expense of the preliminary and other surveys, and of the printing, publishing and advertising required herein, and any other necessary expenditure connected with such improvement and the cost of construction.

*Fourteenth.* One-half of the entire cost of any such improvement shall be paid by the city at large, upon order of the council, out of the fund herein provided for such improvement. The other one-half of the entire cost of such improvement shall be assessed upon the parcels or lots of land bounding or abutting upon the improvement as hereinafter provided.

*Fifteenth.* The city shall be considered a property-owner as to any property belonging to the corporation and abutting upon the street, avenue, or highway so improved.

*Sixteenth.* In order to provide a fund for carrying on such improvement and paying so much of the entire cost thereof as is herein provided to be paid by the city at large, it shall be the duty of the council to issue bonds in an amount not exceeding in the aggregate, for the total improvements to be made by the council, and paid by the city at large under the authority of this law, the sum of one hundred and fifty thousand (\$150,000) dollars, in the name of the city and under the corporate seal thereof. Said bonds shall be made payable in not less than twenty years from the date of their issue, at such times and place and of such denomination as the city council may direct, and bear interest at a rate not exceeding five per centum per annum. Said bonds shall be signed by the mayor of the city and attested by the city clerk under the corporate seal of the city, and shall be secured by the pledge of the faith of the city and a tax, which it shall be the duty of the council of said city to annually levy upon all the taxable property in said city, and certify the same to the city auditor, in an amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of said bonds. Said tax shall be in addition to the amount now levied or authorized to be levied for municipal purposes.

*Seventeenth.* Council shall receive bids for said bonds, after advertising the same for sale once per week for four consecutive weeks, on the same day of the week, in some newspaper published in said city, and also in a newspaper published in each of the cities of Boston, Massachusetts; New York City, and Cincinnati, Ohio. Said bonds shall be sold for cash, for not less than the par value thereof, with accrued interest, to the highest bidder. The money arising from such sale shall be placed in a separate fund, to be called "The Pavement Fund." A careful account of said fund shall be kept by the city treasurer.

*Eighteenth.* The sum or amount of the one-half of

the entire cost of such improvement, and being the amount assessed upon the lots or parcels of land bounding and abutting upon the improvement, shall be divided by the total number of feet of the lots or parcels of land fronting or abutting on such improvement, and the quotient shall be the rate of assessment for each front foot of land bounding or abutting on such improvement. There shall be specially levied or assessed on each lot or parcel of land, bounding or abutting on such improvements, such amount of tax or assessment as shall equal the number of feet of such lot or parcel of land fronting on such improvement, multiplied by the rate per foot as ascertained as aforesaid.

*Nineteenth.* As soon as such rate is ascertained, council shall give notice of the same by daily publication, for two consecutive weeks, in a newspaper published in the city of Covington, and shall require the owners of the several lots or parcels of land bounding or abutting on such improvement to pay to the city treasurer the amount of the entire assessment due from their respective lots or parcels of land, in cash, within thirty days after the date of the last publication of such notice, or be subject to the assessments as hereinafter provided.

*Twentieth.* To provide a fund for the immediate payment of such portion of the one-half of the entire cost of such improvement as may not be paid in cash by the property-owners, in conformity with the notice provided in the last section, the city council is authorized to borrow money at a rate of interest not exceeding five per cent. per annum, in anticipation of the collection of the special tax or assessment for such improvement from such property-holders, and to issue the bonds of the city therefor in the manner and form herein provided, pledging the faith and credit of the city for the payment of the principal and interest thereof. Said bonds shall be divided into ten series, each series to be as nearly equal as possible; said

series to be paid respectively in one, two, three, four, five, six, seven, eight, nine, and ten years after date. Said bonds shall be of the denomination of one hundred dollars or its multiple, not exceeding one thousand dollars, and shall bear interest at the rate of not exceeding five per cent. per annum. The bonds shall have the name of the street, avenue, or highway, or portion thereof for the improvement of which they are issued, printed, engraved or written thereon; and the same shall be issued and sold in the same manner as the bonds authorized to be issued for the portion of the cost due from the city at large, as hereinbefore directed. Any odd amount remaining after the issuing of said bonds in denomination of one hundred dollars or its multiple, as herein provided, may be paid in cash out of the general fund of the city, or may, at the option of the city council, be included in a separate bond, payable in ten years from date, drawing like interest as the bonds herein provided for.

*Twenty-first.* The owner or owners of each lot or parcel of land bounding or abutting on such improvement, and who does not pay in cash the entire amount of assessment or tax due from his lot or parcel of land as above provided, shall pay annually, at such times as shall be specified in the assessing ordinance of the council, one-tenth of the amount of the assessment or tax due from his lot or parcel of land, together with five per cent. interest thereon, and five per cent. interest upon the remaining assessment unpaid; and such payments shall continue to be made until the entire amount of the assessments and interest shall be paid. In default of such payment at such times, the same penalty shall attach on the amount so payable as attaches to the non-payment of other municipal taxes, and shall be collected, together with amount so due from the owner or owners of such lot or parcel of land, in the same manner as other city taxes and penalties are collected for municipal purposes; and



such assessment and penalty shall be and remain a lien upon such lot or parcel of land until the same has been fully paid and satisfied. It shall be the duty of the city treasurer, immediately on default of payment in cash of the assessments upon said property, at the time specified by council, to forthwith certify all unpaid assessments to the city auditor, and cause the same to be placed upon the tax duplicate with other taxes.

*Twenty-second.* The annual assessments, and all portions thereof, shall be paid to the city treasurer when collected, and shall be applied to the payment of the bonds issued in anticipation of their collection and the interest thereon as the same shall become due, and to no other purpose whatsoever, and such bonds shall be canceled as the same are paid in the same manner that other municipal bonds of the city are canceled.

*Twenty-third.* When a special assessment for such improvement is made on real estate subject to a life estate, the assessment shall be payable by the tenant for life. But upon application by the tenant for life to a court of competent jurisdiction, by action against the owner of the estate in fee, such court may apportion the cost of the assessment between the life tenant and the owner in fee, in proportion to the relative value of the improvement to their estates respectively, to be ascertained and determined by the court on principles of equity.

*Twenty-fourth.* The ~~tax~~ or assessment for such improvement shall be a lien from the date of awarding the contract upon the respective lots or parcels of land bounding or abutting upon said improvements.

*Twenty-fifth.* When it appears to the council that a special assessment or tax for such improvement is invalid by reason of informality or irregularity in the proceedings, or when an assessment is adjudged to be illegal by a court of competent jurisdiction, the council may order a re-assessment and proceedings thereon,

and the collection thereof shall be conducted in the same manner as is provided for the original assessment.

*Twenty-sixth.* The bonds issued by the city for the portion of the expense to be borne by the city at large, as well as the bonds issued in anticipation of the collection of the assessment upon the abutting or bounding lots or parcels of land, shall be and forever remain free from any and all taxes, rates or charges for municipal purposes.

*Twenty-seventh.* The tax or assessment for such improvement as herein authorized shall not exceed fifty per cent. of the value of the lot or parcel of land assessed and taxed as now provided by law, and any excess above such per centum shall be paid out of the general revenue of the city. But in making such assessment regard shall be had to the value of such lot or land after the improvement is made.

*Twenty-eighth.* The council shall have authority to employ a special expert civil engineer to supervise the work done under this act. The words "council" and "common council," as used in this section, shall be held and construed to mean the common council provided for by this act.

§ 34. All acts and parts of acts in conflict with this act are hereby repealed.

§ 35. This act shall take effect from and after its passage.

Approved March 21, 1890.

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## CHAPTER 387.

AN ACT for the benefit of J. W. Baird, of Simpson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

WHEREAS, J. W. Baird, sheriff of Simpson county, from misconstruction of the law requiring him to execute bond for the collection of revenue and pub-

tic dues of said county annually, he having executed on the first Monday in January, one thousand eight hundred and eighty-nine, for the collection of the same for the year one thousand eight hundred and eighty-nine; and whereas, he also, from the same reason, failed to present his quietus to the county court as required at the December term, one thousand eight hundred and eighty-nine, of said county court, he having paid off all his indebtedness on account of said revenue and public dues, paid to said court in December, one thousand eight hundred and eighty-nine; and whereas, no collector has been appointed by the county court or any one else to collect said revenue and public dues; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That J. W. Baird, sheriff of Simpson county, have until the first Monday in June, one thousand eight hundred and ninety, to execute bond for the collection of the revenue and public dues of said county, which bond, when executed, shall have the same effect and be as valid and binding as if it had been executed on the first Monday in January, one thousand eight hundred and ninety.

§ 2. This act to take effect and be in force from its passage.

Approved March 21, 1890.

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## CHAPTER 388.

AN ACT to amend an act, entitled "An act to authorize Fayette county to subscribe for stock in the Kentucky Union Railway Company, and issue bonds in payment thereof, which became a law March twenty-eighth, one thousand eight hundred and eighty-eight."

WHEREAS, Under the above entitled act the county of Fayette, outside of the city of Lexington, has subscribed for fifty thousand dollars of the capital stock of the Kentucky Union Railway Company; and

whereas, by the terms of the said act one of the conditions of the issue of bonds for the payment of said subscription was, that the said railway company should, within twenty-four months from the date of approval of the said act, complete its road so that a train of cars should run over the same, on a separate road-bed of its own, and not over the road-bed or right of way of any other road, in a continuous line from the city of Lexington to Breathitt county; and whereas, the said Kentucky Union Railway Company did, within the time prescribed by the said act, begin work upon the said line, and has been diligently prosecuting and is now diligently prosecuting the same, and by the act of Providence has been seriously obstructed therein, and by extraordinary floods suffered great injury and delay; and whereas, the county court of Fayette county has petitioned the Legislature to extend the time for the completion of the said road until the twenty-first day of June, one thousand eight hundred and ninety. Now, in consideration of the said diligent effort upon the part of the said company, and the great and unforeseen casualties by which it has suffered delay in the progress of its work, and in consideration of the petition by the said Fayette County Court to that end, and in order to secure the completion of said road by said company, which will be of great benefit to said Fayette county; now,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section four of said act is amended as follows: The bonds provided for in said act shall not be issued unless the said railroad shall be completed in the manner provided in said section of said act on or before June twenty-first, one thousand eight hundred and ninety; but if so completed on or before June twenty-first, one thousand eight hundred and ninety, the said bonds shall be issued to said company.

§ 2. This act shall take effect from its passage.

Approved March 21, 1890.

## CHAPTER 393.

AN ACT to incorporate the Ohio Valley Banking and Trust Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That James R. Barret, James E. Rankin, John Incorporators. H. Barret, Jr., B. G. Witt, Henry P. Barret, R. C. Soaper and W. H. Witt, together with their associates and assigns, be, and they are hereby, appointed and made a corporation and body-politic, under the name and style of the "Ohio Valley Banking and Trust Company," with perpetual succession ; and by that name may sue and be sued, make contracts with or without seal, but may have and use a common seal and alter the same at pleasure ; it may hold and convey real estate, goods, chattels and public and private securities of any kind ; but real estate taken for debt must be disposed of within five years ; it may also ordain, establish, put in execution and amend such by-laws as may be necessary or convenient for the government of said corporation, not in conflict with the laws of this State or of the United States.

§ 2. The capital stock of said company shall not be Capital stock. less than twenty-five thousand dollars, nor more than five hundred thousand dollars, divided into shares of one hundred dollars each ; and before beginning business, fifty per cent. of the capital stock subscribed shall be paid in in cash ; and in the event any increase of the capital stock, fifty per cent. of such increase shall be paid in in cash before said increase shall be valid.

§ 3. The corporators named in this act, or any three of them, may, at such time and place as they may agree upon, open books for the subscription of stock ; and when two hundred and fifty shares shall have been subscribed, the subscribers may meet and elect a board of directors, who shall serve until the second

Tuesday in January following, or until their successors are elected and qualified ; and on the second Tuesday in January of each year thereafter an election for directors shall be held in the office of the company, under the direction of three stockholders, who shall have been appointed by the board for that purpose. Such election shall be by plurality of the votes of the stockholders and their proxies, allowing one vote for each share of stock represented. This rule of voting shall apply to all questions submitted to the stockholders ; and the stockholders may change the time for holding elections for directors. No one shall be eligible as director in this company who is not the owner of at least ten shares of the stock of the company. Special meetings of the stockholders may be called by the directors, or by any member of stockholders representing one-third of the stock. In no case shall any stockholder have a vote who has failed to pay any call that has been made on his subscription of stock. The first meeting of stockholders may designate the time and manner in which subscription of stock shall be paid.

Officers.

§ 4. The affairs of the company shall be controlled by a board of not less than three nor more than nine directors, to be elected as provided in section three of this act, who may adopt such by-laws and regulations for the management of this company as they may deem best. They shall also choose one of their number as president, and may elect a vice-president, cashier, and such clerks, officers, agents or servants as they may think necessary to a proper conduct of the affairs of the company ; they may also fix their salaries, prescribe their duties, and at their option receive bonds, with security, for the faithful performance of their duties. A majority of the board of directors shall form a quorum for the transaction of business ; vacancies in the board of directors shall be filled by a vote of those remaining in office.

§ 5. The by-laws of the company shall regulate the

form of the certificates of stock and the manner of their transfer, and a lien is hereby created in favor of the company on the stock of each share-holder for any claim that the company may have for any part of his stock remaining unpaid.

§ 6. A statement of the condition of the company shall be made on the first business day in January of each year for the inspection of the stockholders, and the board of directors may, at such times as they may deem proper, declare a dividend out of the profits, if any have been made.

§ 7. It shall be lawful for this company to do business as a savings bank, and as such, may receive on deposit any sum; and minors and married women may, in their own name, deposit therein and check therefrom, unless restrained by competent tribunal; interest, as agreed upon, may be allowed on such deposits.

§ 8. The company shall have the right to receive Deposits. money and currency on deposit upon such terms as may be agreed upon; to loan money upon such security as it may deem proper; to discount, buy and sell gold and silver, stocks, bonds, notes, bills of exchange and other evidences of debt; to make advance on approved securities, and upon agricultural and other products of the country; to receive bonds, stock, warehouse receipts and written evidence of the ownership of produce and merchandise in pledge for the payment of money advanced or debts owing to it, and to do a general banking business; and all promissory notes made negotiable and payable at its banking-house, or at any bank, which may be discounted by it, and inland bills which may be discounted by or sold to it, shall be, and they are hereby, put upon the same footing of foreign bills of exchange, and like remedy may be had thereon, jointly or severally, against the principals, securities, guarantors, drawers, acceptors and indorsers, and any one or more of them.

§ 9. In any case where this corporation may hold collateral security for any kind of debt owing to it, it may sell the same on the non-payment of the debt or demand according to the terms agreed upon between the parties by written contract at the time the debt was created, or afterwards under the provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March sixteenth, one thousand eight hundred and seventy-one.

§ 10. Private property of the stockholders of this company shall be exempt from liability for corporate debts.

§ 11. Whenever this company shall undertake to Operate as trust company. exercise any of the functions of a trust company as provided for in this charter, and before it shall receive or take charge of any business as set forth in the succeeding sections, twenty per cent. of its capital stock paid in shall be invested in such securities at such rates of interest as they promise to pay as are authorized by law for trustees, and from time to time shall be reinvested in same, and shall be kept separate and apart from other investments, and designated on the books of the company as "investments of trust capital;" and it shall be the duty of the proper officers of the company annually, or oftener, if so required, to make a detailed statement to such court or courts as may have committed any trust or trusts to said company of all such investments, together with a statement as near as practicable of the value of the estate and property committed to said company, which statement shall be verified by the oath of the officer making the statement; and said trust capital shall be specially and primarily liable for the obligations of said company as executor, administrator, guardian, receiver, assignee or trustee in any other capacity, and shall not be liable for any other debt or obligation of the company until all of



its obligations in regard to its trusts as aforesaid shall have been fully met and discharged.

§ 12. The capital stock of said company shall be taken and considered as the only security required by law for the faithful performance of its duties, and other security shall not be required upon its appointment to any of the offices or duties mentioned herein, except when required by the courts or parties in interest; but any court having jurisdiction to make or approve such appointment shall have power, before making or approving same, and from time to time afterward, to examine the officers of the company, under oath or affirmation, as to the security aforesaid, and appoint a suitable person to investigate the affairs and management of said company, who shall report to such court the manner in which its investments are made, and the security offered to those by or for whom its engagements are held; the expense of such investigation to be paid by the company, subject to the limitations named in this section. The capital stock of said company shall also be taken and accepted as the only security required by law on any bond or bonds required or necessary to be executed by said company as guardian, committee of person or persons of unsound mind, in proceedings to sell the real property of persons under disability, or upon any other bond or bonds required or necessary to be executed by said company as guardian, trustee, committee or otherwise, or upon any bond of indemnity or other bond or bonds that may be required of said company in the course of any judicial proceeding, or in the prosecution of any remedy allowed by law to it in any of its fiducial capacities; except in obtaining attachments and injunctions by suit, the courts shall require additional security other than their capital stock and franchises.

§ 13. The said corporation may be appointed and Act as guardian. act as guardian of infants, as executor or administrator, or committee of lunatics, as receiver, assignee or

other trustee, whether appointed by deed, by last will and testament, by any court in this Commonwealth, or in any other manner not inconsistent with law; it may receive and hold in trust estate and personal, including the notes, bonds, obligations and accounts of estates of individuals, of companies and corporations, private or public, and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estate, receiving and collecting rents and other moneys, or in the issuing and countersigning certificates of stock, bonds or other obligations of any corporation, association or municipality, State or public authority, and may receive and manage any sinking fund therefor, and may accept and execute all such trusts of every description, not inconsistent with the law of this State, as may be committed to it by any person or persons, or by any corporation, or by any court of record of this or any other State. It shall have a trust department, and all of its business of a fiduciary character shall be kept in a separate and special set of books.

§ 14. Said corporation may place in its own building, or any leased or rented building which it may occupy, a safety deposit vault, with compartments or boxes for rent upon such terms as may be agreed upon between the said corporation and such persons as may jointly or severally rent one or more of said boxes or compartments.

§ 15. Said corporation is also empowered to receive for safe-keeping any valuables that may be intrusted to it, and for a consideration, to be agreed upon by the parties, to guarantee the safe preservation and delivery of such special deposit.

§ 16. In the exercise by the said company of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty imposed by any court, said company shall be

subject to the same duties and responsibilities, shall have the same powers, and shall receive the same compensation as fixed by law with relation to individuals holding similar offices or trust, except as herein otherwise provided. The exercise of the other powers and the performance of other duties by said company may be, as to compensation and otherwise, matters of contract with the parties interested.

§ 17. This act shall take effect from its passage, and shall continue in force for thirty years.

Approved March 22, 1890.

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### CHAPTER 395.

AN ACT to protect game in Mason county, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person to hunt, catch, kill, pursue or trap any partridge or quail in Mason county at any time other than the period embraced between the fifteenth day of November and first day of January of each year.

§ 2. Any person violating the provisions of this act shall, upon conviction, be fined for each offense not less than ten nor more than twenty-five dollars.

§ 3. This act shall take effect from and after its passage.

Approved March 22, 1890.

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### CHAPTER 396.

AN ACT to regulate the licensing of the sale of spirituous, vinous and malt liquors in the city of Carlisle.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That after this act takes effect it shall not be lawful for the common council of the city of

Carlisle to grant a license to any person other than a tavern-keeper to vend either spirituous, vinous or malt liquors in said city, and any license granted in violation of this act shall be void.

§ 2. That after this act takes effect, as hereinafter described, it shall be lawful, and the common council of the city of Carlisle, Kentucky, is hereby authorized and empowered, and may, if it deems it proper to do so, grant or issue a license to any tavern-keeper in said city to sell or vend spirituous, vinous and malt liquors in said city, the price of which license shall be not less than five hundred dollars nor more than eight hundred dollars per annum, to be paid to the treasurer of said city before said license shall be issued.

§ 3. It is hereby expressly provided that this act shall take effect and be in force when a majority of the qualified voters of the city of Carlisle and precinct shall vote against the local option law that is now in force in said city and precinct; and all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

§ 4. That nothing in this act shall be so construed as to interfere or conflict with or repeal the local option law now existing in the said city of Carlisle and precinct.

Approved March 22, 1890.

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## CHAPTER 397.

AN ACT to amend an act, entitled "An act to authorize the county of Spencer to refund its bonded indebtedness," approved February fifteenth, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section two of said act, entitled "An act to authorize the county of Spencer to refund its bonded indebtedness," approved February fifteenth,

one thousand eight hundred and eighty-eight, be, and the same is hereby, amended by striking out the word "five," in the second line thereof, and inserting in lieu thereof the word "six."

§ 2. That section three of said act be, and the same is hereby, amended by adding thereto the following: "And the cost of printing, signing, negotiating and substituting the new bonds herein provided for, for the old Cumberland and Ohio railroad bonds."

§ 3. That section five of said act be amended by striking out the words, "out of the county levy," in the fifth line thereof, and insert in lieu thereof the words, "out of the fund realized from the sale of the bonds herein authorized to be issued."

§ 4. This act to take effect from its passage.

Approved March 22, 1890.

## CHAPTER 398.

AN ACT to incorporate Middlesborough Street Railway Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That C. M. Woodbury, John M. Brooks, John B. Cary, Rozel Weissinger and A. A. Arthur, their associates, successors and assigns, who may become stockholders, be, and they are hereby, created a body-politic and corporate, by the name of the Middlesborough Street Railway Company; and by that name shall have perpetual succession, and be capable of suing and being sued; may have a common seal, and alter the same at pleasure; may have power to contract and be contracted with, and acquire, hold and transfer real and personal property, and do any and every other thing necessary, proper and convenient to be done to carry out and facilitate the purposes of this corporation as completely as a natural person might do.

Capital stock. § 2. The capital stock of said company shall consist of two hundred and fifty thousand dollars, divided into fifty thousand shares of five dollars (\$5) each, which may be increased by a vote of the stockholders from time to time to any amount not exceeding one million dollars; and individuals and other corporations, either in or out of this State, are authorized to subscribe for and hold said stock. The stock may be subscribed and paid for in cash at par, or in property of any kind, or services performed for the company, which property or services shall be, in the judgment of the board of directors, equivalent to par.

Directors. § 3. The incorporators named above, or such of them as may act, shall constitute the first board of directors of said company; and as soon as four thousand shares, twenty thousand dollars, of stock shall be subscribed for, may organize the corporation, and serve as such directors until their successors are duly elected and qualified. The said board of directors, or a majority of them, shall meet at such time and place as they may agree upon, and from their own number, or from such persons as they may associate with themselves, elect a president and such other officers and agents as they may deem necessary. They shall have power to adopt such by-laws, not inconsistent with the general laws of this State, for the government of the company, its officers, agents and employes, in the general conduct and management of the affairs and business of the company, as they may deem necessary and proper, and may alter, amend and repeal the same at will.

When to begin business.

Election § 4. The by-laws shall provide for an annual election of a board of directors, consisting of not less than five nor more than nine in number, who shall be stockholders of said company, and shall fix the time and place and determine the manner of the first and succeeding election of directors. The directors shall severally hold their office for one year, or until their successors are elected and qualified. The board of

directors may fill any vacancy occurring in their number. The by-laws shall also provide for annual and extraordinary meetings of the stockholders of the company, and at such meetings every stockholder shall be entitled to one vote for each share of stock held, which vote may be cast in person or by proxy.

§ 5. It shall be lawful for the president and directors of this company to open stock-books for subscription to the capital stock at such time and place, and continue them open such length of time, as they may deem necessary. The capital stock of the company is declared to be personal property, and may be issued, transferred, certified and registered as may be provided by the by-laws. May open books.

§ 6. The Middlesborough Street Railway Company is hereby authorized and empowered to locate, construct, maintain and operate, by steam, electricity, horse or other power, a street railroad, with all necessary tracks and switches, stations, stables, engines, machinery, appliances, cars, trucks, tools, and plant, of whatsoever kind, in the city Middlesborough, Bell county, Kentucky. To that end said corporation may acquire by donation, purchase or otherwise, all necessary land, rights of way, materials, easements and privileges. If such lands or material can not be procured through voluntary agreement with the owners thereof, said corporation shall have the same power to condemn and pay therefor as is given by the general law to railroad corporations: *Provided*, That when said city shall have a population of as many as twenty thousand souls, this corporation shall annually pay into the treasury of said city four per centum of its net earnings; and it shall be the duty of the president and treasurer of this company to make annually a report of the net earnings of said company under oaths; said report to be made to the city council. Powers.

§ 7. The said corporation, in order to raise means for the construction, equipment or operation of its railroad, may issue and sell its bonds of the denomina- Bonds.

tion of one thousand dollars or less, each bearing not exceeding six per centum per annum, payable semi-annually, with coupons attached, to be made payable as said company may direct, not exceeding fifty years from the date of issue, and secure the payment of the principal and interest thereof by a mortgage or deed of trust conveying any of the property and franchises of said corporation to a trustee or trustees, with such covenants and stipulations as may be deemed expedient.

Right of way. § 8. Said corporation is hereby empowered to acquire from the city of Middlesborough, by contract, all and every necessary right of way, privilege and easement for constructing its railroad in the streets, alleys, roads or public ways of said city, on terms set out in section six.

Contracts. § 9. Said corporation may make contracts with any corporation, company, individual or individuals, for constructing and equipping its railroad, or any part thereof, and may pay for the same wholly or partially in stock, bonds or other property of said corporation, in such manner and upon such conditions as may be deemed for its best interests.

§ 10. The said corporation shall have power to establish rates of toll for the conveyance of persons and property on its railroad, not exceeding five cents per passenger within the limits of said city.

Forfeiture. § 11. This charter shall be forfeited unless work on the said street railroad be begun within one year, and one mile thereof be completed within two years from the passage of this act.

§ 12. This act shall take effect from and after its passage.

[Became a law March 21, 1890, without the approval of the Governor.]



## CHAPTER 399.

AN ACT to incorporate the "Owensboro Fire Insurance Company,"  
of Owensboro.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That George Napier Thomson, John W. M. Field, J. M. Fetter, Benjamin Wile, R. P. McJohnston, Lawson Reno, R. Monarch, M. V. Monarch, J. C. Rudd, G. B. Tyler, Jr., John Thixton and R. H. Glover, and the subscribers to the stock of this association and their successors, shall be, and are hereby declared to be, a body-politic and corporate, by the name and style of the "Owensboro Fire Insurance Company ;" and by that name shall have power to sue and be sued, plead and be impleaded in all the courts of law and equity in this Commonwealth and elsewhere, with full authority to acquire, hold and possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security, or in payment of any debt which may become due and owing to the same, or in satisfaction of any judgment of a court of law or equity in its favor ; and to make and use a common seal, and the same to alter or renew at pleasure, and, in general, to do and perform all things requisite to the success of the object of this institution : *Provided*, That the real estate so acquired, other than that necessary for the accommodation of this company in the transaction of its business, shall be sold and disposed of within five years after the title thereto is acquired, unless the company shall procure a certificate from the Commissioner of Insurance that the interests of the company will suffer materially by a forced sale thereof, in which event the sale may be

postponed for such period as the said commissioner may direct in said certificate.

Capital stock.

§ 2. The capital stock of this company shall be four hundred thousand dollars, divided into eight thousand shares of fifty dollars each. At the time of subscribing there shall be paid on each share twelve and one-half dollars, and the balance on each shall be subject to the call of the directors, and shall be secured by indorsed notes payable on demand, or other property or stocks to be approved by the board of directors for the time being; the said security shall be renewed whenever the directors may consider it proper; and any stockholder neglecting or refusing to renew his security, or neglecting or refusing to pay an installment when required by the directors, the board of directors may, through its president, sell and dispose of such stock, and after deducting the expenses of such procedure and paying to the company the balance due it on such stock, shall pay over to such stockholder any excess which may remain. Nevertheless, such stockholder shall be held liable for his proportion of any loss which may have occurred previous to such neglect or refusal, not, however, exceeding the balance due the company on such stock.

When to begin business.

§ 3. That as soon as two thousand shares of the stock of this company shall have been subscribed, and one hundred thousand dollars of the capital stock paid, the company shall be competent to transact any and all business for which it is established.

Transfer of stock.

§ 4. The transfer of stock may be made by any stockholder or his legal representatives, by assignment and transfer on the books of the company, in person or by power of attorney; but no stockholder indebted to the company on account of stock or otherwise shall be permitted to make any transfer or receive any dividend until such debt is paid or secured to the satisfaction of the board of directors.

§ 5. The affairs of this company shall be managed <sup>Directors.</sup> by a board of nine directors, all of whom shall be stockholders, to be elected as follows: The stockholders comprising this association shall hold a meeting for the election of directors within sixty days after the amount of one hundred thousand dollars of stock has been subscribed for, and on the first Monday in January in each year thereafter, and choose by ballot nine directors from among the stockholders, and each share of stock shall entitle the holder thereof to one vote. The directors chosen at the first election shall serve until the first Monday in January succeeding said election, and until their successors are chosen. At the first meeting of the board of directors, after every election, the directors shall choose by ballot a president from among themselves, and in case a vacancy shall occur in said office, the same shall be filled by ballot as herein provided; and in case of a vacancy in the board of directors, the same shall be filled by the directors, from among the stockholders, until the next annual election.

§ 6. That it shall be lawful for said company to in- <sup>Powers.</sup> sure houses and other buildings, and all kinds of personal property, wherever situated, against losses sustained by fire, lightning, cyclones, water or otherwise, and it shall be liable to make good all such losses, agreeable to such terms and conditions as shall be contained in the contract or policy of insurance.

§ 7. That said company shall have the right to <sup>Investment.</sup> invest any portion of its capital stock or surplus funds in any city, county or State bonds, or promissory notes secured by lien on real estate, worth fifty per cent. more than the sum loaned, or by collaterals worth twenty-five per cent. more than the sum loaned thereon. Also in bank stocks of banks chartered by this Commonwealth, or in national banks of this and adjacent States.

§ 8. That the board of directors shall declare such <sup>Dividends.</sup> dividends of the profits of the company as shall not

impair nor in anywise lessen the capital stock of the same. Dividends shall be made half-yearly on the first Mondays in January and July, and shall be paid to the stockholders ten days thereafter.

Officers.

§ 9. The board of directors shall have power and authority to appoint a secretary and such other officers, including a repository for money and papers, as shall be necessary for transacting the business of said institution, and may allow them such salaries as they shall deem reasonable; to ordain and establish such by-laws, rules and regulations, as shall be deemed necessary for regulating the duties of the officers and conducting the affairs of the company, not inconsistent with this act, the Constitution and laws of this State or the United States. They shall also cause to be kept full, fair and correct entries of their transactions, which shall be at all times open to the inspection of the stockholders.

§ 10. That the president and directors may call a general meeting of the stockholders for any purpose relative to the affairs of the company, giving at least two weeks' notice thereof in some newspaper printed in Owensboro.

Annual election.

§ 11. That should it happen, from any cause, that the annual election of directors should not take place in any year on the day hereinbefore named, this corporation shall not be for that reason dissolved, but such election may be lawfully held on such other convenient day, within six months thereafter, as may for that purpose be fixed by the board of directors, they causing twenty days' notice thereof to be given in one or more of the newspapers printed in the said city of Owensboro.

Policies.

§ 12. That all policies or contracts of insurance that may be made or entered into by said company, may be made either under or without the seal thereof, and shall be subscribed by the president or such other officer as may be designated for that purpose by the said company, and attested by the secretary; and be

ing so subscribed and attested, shall be obligatory upon said company, according to the tenor, intent and meaning of this act; and all such policies or contracts so made, subscribed and executed may be entered into by said officers without the presence of the board of directors, and the same shall be binding on the company.

§ 13. That the individuals named in the first section of this act, or such committee as they may appoint, shall receive subscriptions to the capital stock of this company, and open books for that purpose in the said city of Owensboro, which books shall remain open from day to day for ten days, unless the whole amount of the capital stock shall be sooner subscribed; and they or said committee shall receive all moneys paid at the time of subscribing to said stock, and hold the same until the election of the first board of directors, when it shall be disposed of as said board shall direct.

Subscription  
books.

§ 14. That each subscriber to the capital stock of this company shall be entitled to one share of stock for every fifty dollars subscribed and paid on that account, and the board of directors shall cause to be issued to every such subscriber a stock certificate, under the seal of the company, subscribed by the president and attested by the secretary or some other officer designated by the board of directors, showing the number of shares of stock to which such subscriber is entitled. The said certificates of stock shall be issued and numbered consecutively, beginning with number one, dated as issued, and a record of which shall be kept in the office in a suitable book provided for the purpose.

Certificates.

§ 15. This act shall take effect and be in force from and after its passage.

Approved March 22, 1890.

## CHAPTER 400.

AN ACT to amend an "Act to authorize the city of Lexington to subscribe for stock in the Kentucky Union Railway Company, and issue bonds in payment thereof," approved April twenty-first, one thousand eight hundred and eighty-eight.

WHEREAS, Under the above act the city of Lexington has subscribed for stock in the Kentucky Union Railway Company to the amount of one hundred and fifty thousand dollars, and in the further and additional sum which, by agreement between the said company and the said city, has been fixed at fifteen thousand dollars, sufficient to pay for fifteen acres of land to be purchased by said city and deeded to said railway company; and whereas, by the fourth section of said act it was provided that none of said bonds should be issued unless said railway company should, within twenty-four months from the date of the approval of the said act, complete its road so that a train of cars should run over the same on a separate road-bed of its own, and not over the road-bed or right of way of any other road, in a continuous line from the city of Lexington to Breathitt county; and whereas, the said company did, within the time mentioned in the said act, begin the work of constructing the said railway, and have been since, and are now, diligently prosecuting the same; and whereas, by the act of Providence disastrous floods have impeded the progress of the said work and caused delay in the completion thereof; and whereas, the said company has entered into a contract with the said city, by which the said company has agreed, within two years from the passage of this act, to erect upon the said lands, to be conveyed to it as aforesaid, the principal shops for the repairs of its engines and cars, and has secured the performance of the said contract to the satisfaction of the said city; and whereas, under these circumstances, and in consideration thereof,

and in order to secure the completion of said road by said company, the said city has, through its general council and mayor, petitioned this Legislature to pass this act, and to extend the time of the completion of the said road to the twenty-first day of June, one thousand eight hundred and ninety ; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section four of said act is amended as follows: The bonds provided for in said act shall not be issued unless the said railroad shall be completed in the manner provided in said section of said act on or before June twenty-first, one thousand eight hundred and ninety ; but if so completed on or before June twenty-first, one thousand eight hundred and ninety, the said bonds shall be issued to said company: *Provided*, That said bonds shall not be issued, and the time to complete said railroad shall not be extended, until the issue of said bonds and the extension of said time shall have been approved by a majority of the voters of said city of Lexington, at an election to be held after ten days' notice thereof, to be published in the daily papers of said city ; said election shall be held in manner and form as follows: The mayor and general council of said city shall cause to be opened at each voting-place within the city of Lexington, for the purpose of taking sense of the qualified voters of said city upon the question of the adoption or rejection of the provisions of this act, at a time to be fixed not later than fifteen days after the passage of this act. It shall be the duty of the mayor and general council to appoint the inspectors to conduct said election, who shall be qualified as now provided by law ; to give notice of the same ; to provide the necessary poll-books, and to do all the acts and things in the manner and form as now provided by law in the case of elections for city officers. It

shall be the duty of said inspectors to cause two columns to be opened in the poll-books, in one of which shall be registered the names of all those voting for the adoption of the provisions of this act, and in the other column the names of all those voting against its adoption; and it shall be the duty of said inspectors, or one of them, to propound to each person offering to vote the question: "Are you in favor of the adoption of the provisions of this act extending the time and issuing the bonds to the Kentucky Union Railway Company, or against it?" and his name shall be truly entered in the proper column of the poll-book according to his answer and vote; said polls shall be compared and declared, and the poll-books returned to the same board of examiners within the time, and in the same manner, as now provided by law; and if a majority of all the votes cast shall be in favor of the adoption of the provisions of this act, it shall be the duty of the mayor of said city to give notice of its adoption by publication made in at least one of the newspapers printed in the city of Lexington for two consecutive days. No one shall be entitled to vote on the question of the adoption or rejection of the provisions of this act unless he be a qualified voter as now prescribed in the charter of said city for persons voting for city officers.

§ 2. This act shall take effect from its passage.

Approved March 25, 1890.

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## CHAPTER 401.

AN ACT for the benefit of Charles W. Howe.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The Auditor is hereby ordered to draw his warrant on the Treasurer of the State of Kentucky for the sum of one hundred dollars in favor of Charles



W. Howe, in full payment of license paid the State of Kentucky November second, one thousand eight hundred and eighty nine, in the Clark County Court, which license was not used by said Howe, or any one for him ; and by this act said license is canceled.

§ 2. This act shall be in force from and after its passage.

[Became a law March 25, 1890, without the approval of the Governor.]

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## CHAPTER 402.

AN ACT to amend an act to incorporate the Richmond Safety Vault and Trust Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. Said act is amended by striking out the following words in the eighth paragraph, namely : " But nothing herein shall be construed to permit said company to discount paper or engage in the business of banking," and inserting : "Said company may receive deposits, discount paper, and engage in the business of banking."

§ 2. Private property of the stockholders shall be exempt from the corporate debts.

§ 3. That this corporation shall not have the power to do any banking business until one-half of the capital stock subscribed is paid up ; and if there should be any increase of capital stock, then no banking business shall be done until one-half of the increased stock is paid in cash.

§ 4. This act to take effect from its passage.

Approved March 25, 1890.

## CHAPTER 403.

AN ACT to amend an act, entitled "An act to incorporate the Winchester Vault and Trust Company, of Winchester, Kentucky."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. This company shall be known by the name and title of the Safety Vault and Trust Company of Winchester, Kentucky.

§ 2. The property of the stockholders shall not be liable for the debts of the company further than their stock in same.

§ 3. The stock in said company shall not be less than ten thousand dollars.

§ 4. When required to do so by the clerk of the circuit courts of Kentucky, or any other court trusting business of any kind to said company, shall make a detailed statement of all its business and investments, assets and liabilities.

§ 5. All sections or parts of sections in conflict with this act are hereby repealed.

§ 6. This act to take effect from and after its passage.

Approved March 25, 1890.

## CHAPTER 404.

AN ACT to incorporate the town of Jackson.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Boundary.

§ 1. That the following boundary of land in Breathitt county, Kentucky, situated on the North Fork of the Kentucky river, namely: Beginning at the mouth of the Bridge branch, above the town of Jackson; thence up said branch with its meanders to a large sycamore tree, and just above a coal chute on said

branch ; thence a straight line across the hill to the river, at the mouth of a drain just above the old school-house, in which Solomon Back now lives, and including said school-house and grounds belonging to same ; thence up the river to a point opposite the upper end of J. S. Hargis' field ; thence crossing the river a straight line, and crossing the Pan-Handle ridge to the river on the other side of same ; thence down the river with its meanders to the mouth of the Cut Off branch ; thence up said branch to the top of the gap ; thence with the road a straight line down to and crossing the river ; thence up said river to the place of beginning, is hereby incorporated under the name and style of the town of Jackson.

§ 2. That the officers of the town of Jackson shall <sup>Officers.</sup> consist of five trustees, police judge, clerk, marshal, treasurer and assessor.

§ 3. Said trustees, police judge and town marshal shall be elected annually on the first Saturday in April of each year by the qualified voters of said town, who shall have resided therein six months previous to said election, and who shall have first paid all town taxes for year previous to said election, and who have first paid all fines and forfeitures due said town from said voter. Said officers provided for in this section shall hold their offices for one year, and until their successors are duly elected and qualified ; and before entering upon the discharge of the duties of their respective offices, they shall take an oath before some officer authorized to administer oaths for the faithful discharge of the duties of their office, and that they will do justice without fear, favor or affection.

§ 4. No person shall be eligible as a member of the board of trustees who is not a male citizen, and a legal voter of said town, and owner of real estate therein, and who has not been a continuous *bona fide* resident thereof for one year next preceding the election, and who shall be directly or indirectly interested

in any contract with said town or any application therefor.

Board of trus-  
tees.

§ 5. If, after the election of the said board of trustees, any member thereof shall remove from the town, or resign his office as trustee, or accept any office or employment, the holding of which and the discharge of the duties thereof would render him ineligible as a member of the board of trustees, or do any other act or thing which would render him ineligible as a member of said board, his office as such member shall be thereby vacated: *Provided, however,* That stockholders in corporations may be eligible as members of the board of trustees, but shall not vote on any question directly or indirectly affecting said corporation, or any right or duty under the same, or contract or agreement between such corporation and the town of Jackson.

§ 6. Each member of the board of trustees, and all other officers of said town, before entering upon the discharge of the duties of their offices, shall, in addition to the oath prescribed in section third of this article, take the oath required by the Constitution of this State, to be administered by some officer authorized to administer oaths. A certificate of said oath shall be noted on the record kept by the board of trustees.

§ 7. Said trustees shall be vested with the fiscal, municipal and prudential concerns of said town. They shall have power to pass such by-laws and ordinances as may be necessary, in their judgment, for the good government and well-being of said town, not in conflict with the laws of the United States or the Constitution and laws of this State. They shall have power to levy a poll-tax upon each qualified voter of said town not exceeding five dollars (\$5), where the necessary expenses of said town require it.

§ 8. Said trustees shall have power to fill any vacancy that may occur in their board by appointment. It shall be their duty, at their first meeting after their

election, to appoint one of their body to preside at their meetings, who shall be styled President of the Board of Trustees, to whose management and control the executive affairs of said town shall be invested. The majority of said board shall constitute a quorum for the transaction of business; and in the absence of the president they may elect one of their body to act as president, who shall have the same power as the president. If, at any time, any of the trustees elected shall fail to qualify within thirty days after their election, those of them who shall qualify within said time shall proceed to fill said vacancy or vacancies by appointment. The members of said board thus appointed shall hold their offices until the next regular election, and until their successors are duly elected and qualified.

§ 9. The president of the board of trustees shall preside at all their meetings when he is present, and vote only in case of a tie. He shall sign all the orders and proceedings of the board at the close of each meeting. Said president, in the absence of the police judge, shall have and exercise all the duties and powers conferred on the police judge by this act.

§ 10. Said trustees shall be a body-politic and corporate, and shall be known by the name and style of the Board of Trustees of the Town of Jackson; and in that name may sue and be sued, contract and be contracted with, plead and be impleaded, and may use either a common or a private seal, and do all other acts which a body-politic and corporate having perpetual succession may lawfully do.

§ 11. The board of trustees of said town shall have control over the streets, alleys, sidewalks and public grounds belonging to said town, and they may, in all or in part of said town where the same has not been done, open roads, streets and alleys, or parts of the same, as shown by the original town plat, for the convenience of the public, and keep the same in repair:

*Provided*, That the citizens of said town, who contribute to the expense of keeping the streets and alleys of said town in repair, shall be exempt from working upon the public roads outside of the corporate limits of said town.

§ 12. Said trustees may, either by purchase from or consent of the owner of the property, or by the application of the president of the board of trustees to the county court for a writ of *ad quod damnum*, open streets, roads and alleys or parts of same. The proceedings under said writ shall be the same as provided by law for opening public highways; and upon payment of damages assessed, said streets, roads and alleys shall become public highways, and the title to same shall vest in the said trustees, and their successors in office, and be under their control and management.

§ 13. That said trustees shall, as the public interests require, and as the means of the treasury allow, grade, pave or macadamize the streets, sidewalks, or any part or parts thereof in said town.

§ 14. Said trustees shall have power to pass by-laws for the suppression of tippling-houses, bawdy-houses, houses of ill-fame, gambling-houses, and such other houses as are common resorts for idle and dissolute persons; and they shall have power to provide and enforce adequate penalties for the same.

§ 15. The said trustees shall have power to tax peddlers and auctioneers in addition to the tax now imposed by law, and require them to take out license under such restriction and penalties as may be necessary to enforce the payment of such taxes; and also the power to tax and license agencies of insurance and agencies of all kinds, shows, exhibitions, theatrical performances, concerts, and all places of public amusements where money is charged for admission to same. They shall have power to pass by-laws preventing the running at large of stock on the streets of said town, and may provide penalties for same; they may also

provide for and impose a tax on dogs, not more than three dollars on each dog. They shall have power to tax, and exclusive right to license, all taverns without the right to retail liquors, houses of entertainment, retailers, victualers, confectioners, and all houses of public resort, such sums of money as they may provide: *Provided*, That the State tax shall be paid over to the clerk of the Breathitt County Court in the same manner as is now imposed by law.

§ 16. The trustees shall have power to levy annually an ad valorem tax upon each one hundred dollars' worth of taxable property in said town, whether belonging to persons or corporations, and which is subject to taxation for State purposes, any sum not exceeding fifty cents, to be applied by the board for municipal purposes.

§ 17. Said trustees shall appoint any number of citizens of said town, not exceeding fifteen, to act as regular policemen, whose compensation shall be regulated by said board of trustees.

§ 18. The trustees shall designate the place for holding all elections for the town officers, and give at least ten days' notice thereof by causing the same to be published in some newspaper published in said town, and if there be no paper published in said town by written notices posted in three of the most public places therein. Said election shall be held by two judges and a clerk, to be appointed by the board of trustees, and they shall keep a record of said appointment.

§ 19. All fines and costs and forfeitures for violations of the laws and ordinances of said town, and all moneys paid in for licenses granted under this charter, shall be collected by the marshal and paid over to the treasurer of said town, to be used by the board of trustees for the benefit of said town.

§ 20. Said trustees shall, between the first of March and the first of May in each year, appoint an assessor to assess and list the taxable property and tithes of

said town. Said assessor shall make out a full list of said property and tithes, and return the same to the board of trustees on or before the first day of July following; and they shall have the same filed as part of the records of the town. The assessor shall have power to swear each person assessed; and if any person is aggrieved by the assessment, either as to the valuation of his property or otherwise, such person may, at any time after such assessment, and before the first day of August following, apply to the said board of trustees for correction, who shall hear any legal proof that may be offered and decide accordingly: *Provided*, That said board shall have the power to raise the value of any property assessed when said proof shall justify the same.

§ 21. There shall be a full and complete record kept by the trustees of all their acts, and the same shall be open and subject to the inspection of any citizen of said town under all reasonable requests. The clerk of the board shall deliver to any person demanding the same a certified copy of any paper or record in his office; and he is allowed for such services the same fee as allowed by law to the county clerk for like services, to be paid by the person demanding such copy.

§ 22. Said trustees shall appoint a clerk, who may be one of their own body, being a qualified voter of said town, whose term of office shall continue for one year, unless removed by said board; and it shall be the duty of said clerk to keep the records of the proceedings of the board of trustees. He shall be required to enter into such bond for the faithful performance of his duty as said board may prescribe; and such pay may be allowed him for his services as they may prescribe.

§ 23. The trustees shall appoint an attorney for the town, who shall hold his office for one year, or until his successor is appointed and qualified. It shall be his duty to attend the police court and prosecute all



cases for violations of the laws and ordinances of said town, and shall attend the meetings of the board of trustees and give them advice when called upon by them to do so, for which he shall receive such compensation as the trustees may provide.

§ 24. The police court shall have concurrent jurisdiction with the quarterly court of Breathitt county, of all civil cases in said county, and shall have the same jurisdiction of crimes and misdemeanors committed within Breathitt county as the county judge has, and shall have exclusive jurisdiction of all offenses committed against the by-laws and ordinances of said town; and have exclusive power to enter judgment and issue execution for all fines and penalties for such offenses. Said court shall have power to grant attachments and injunctions to the same extent that the county judge has. It shall be the duty of the police judge to keep a record of his proceedings, certified copies of which shall be evidence to the same extent that certified copies of other courts are. He shall have power to issue subpoenas for witnesses or other process to compel their attendance before him, and to punish all contempts against his authority by fines not exceeding ten dollars in each case. He shall have power to order the marshal or other officer to summon a jury in cases cognizable before him where a jury is required by law. He shall have power to take and certify depositions the same as examiners now have, and shall be allowed the same fees therefor. He shall be allowed in civil cases the same fees that the county judge is now allowed by law; and he may act as his own clerk, or may appoint the clerk of the board of trustees to act as clerk of his court. The police judge shall be allowed such compensation for his services in the trial of offenses against the by-laws and ordinances of said town as the board of trustees may prescribe.

§ 25. Appeals from the judgments of the police court shall be granted in civil cases under the same

rules and regulations and to the same tribunals as appeals are allowed from judgments of quarterly courts in like cases.

§ 26. The marshal shall have the same power and perform the same services and be liable to the same penalties that sheriffs or other peace officers are by law or may hereafter be allowed to do or subjected to.

§ 27. It shall be the duty of the board of trustees to appoint some suitable person treasurer, who is a qualified voter of said town. He shall hold his office for one year, or until his successor is appointed and qualified. He shall, before he enters upon the duties of his office, take the oath prescribed in this charter, and execute bond payable to the town of Jackson, with good and sufficient security to be approved by the board of trustees of said town, conditioned that he will faithfully perform the duties of his office, and will pay out on warrants properly drawn on him to whomsoever named therein, and account for all moneys collected by him from any source or person whatsoever.

§ 28. The treasurer shall be the custodian of the funds belonging to the town of Jackson, and keep a true and faithful itemized account of all the money received and paid out by him, and shall render an account of the same to the board of trustees at the end of each month of the year. Upon the expiration of his term of office, or his resignation or removal from office, the treasurer shall deliver to his successor, or to such person as the board of trustees may direct, all moneys of the town in his hands, books, property or effects under his control belonging to the town.

§ 29. The trustees shall have power to require the treasurer to give a new bond or additional security at any time, and upon his failure to do so when required his office shall be, by ordinance, declared vacant.

§ 30. The treasurer shall keep a correct set of books, in which he shall keep a true and accurate statement of all moneys of said town raised, collected or

received by taxation, license, penalties or otherwise paid into the treasury ; and the same shall be done by all officers of the town, even when the town may be owing them ; and no money shall be drawn from the treasury except by authority of the board of trustees by warrant drawn on the treasurer signed by the president and attested by the clerk. The treasurer shall keep his books open, subject to the inspection of the board of trustees or other persons ; and he shall furnish the clerk with a concise statement of his accounts at the end of each fiscal year for publication. The treasurer shall receive such pay as the trustees may allow him, not to exceed two per cent. of the funds which pass through his hands.

§ 31. After the first day of July of each year, said trustees shall fix the rates of poll and ad valorem tax to be collected for that year, and have the same recorded. The clerk shall then make out a list of taxes against each person, and the amount of property listed, and shall deliver it to the marshal of said town, and take his receipt therefor, and file it with the records of said board. It shall be the duty of said marshal to collect the same, and he is hereby vested with full power to do so by levy and distraint ; and to the same extent that sheriffs have and are vested with to collect State revenue, and pay it over to the treasurer on or before the first day of each month whatever has been collected by him ; and for failing to do so said treasurer may, in the name of the trustees of said town, institute a motion or action against said marshal and his sureties in any court having jurisdiction of the amount claimed, and may recover the amount due and ten per cent. damages thereon, and cost of suit, and may collect the same by execution without the right of replevy: *Provided*, That no judgment shall be rendered against said marshal or his sureties without written notice or summons served at least ten days before the trial: *And provided further*, That if said marshal shall, between the first day of No-

vember and the first day of December, make out and swear to a list of all taxes uncollected, and that he has made diligent search for the property of the delinquent and failed to find any, and that he has applied to said delinquent if in town and demanded payment, and that he does not know of any property of which to make the taxes, he shall be relieved from liability to that extent on his receipt. The clerk of said board may, from time to time, re-list and hand over to the marshal the delinquent list, and he and his sureties shall be held responsible for the amount collected.

§ 32. The officers of all elections shall, within two days after said election, return the poll-books to the president of the board of trustees, whose duty it shall be to immediately compare said poll-books, and issue his certificate of election to the person receiving the highest number of votes. In case the president be a candidate, the poll-books shall be returned to the police judge, who shall compare same and issue the certificate of election; or, in case both police judge and president be candidates, then the trustees shall, by ordinance, appoint some one, who shall compare said poll-books and issue certificates of election.

§ 33. The police judge, or president of the board of trustees, or the person so appointed, shall certify the election of police to the Governor for commission. The Governor shall issue a commission to the person so elected police judge, who shall, after he receives his commission, execute bond with good security, to be approved by the board of trustees. He shall be a judicial officer, and be styled the Police Judge of Jackson.

§ 34. The bond of the town marshal may be put in suit for a failure to perform the conditions thereof by any person injured in the same manner as suits are now authorized to be brought on constables' bonds; and said marshal shall also be subject to motion or action against him and his sureties before the police

judge for a failure to pay over money to the person or persons entitled to receive the same, under the rules and regulations and restrictions as motions are authorized to be made against defaulting constables. He shall collect all taxes due said town and other demands in any part of the county of Breathitt, that may be put into his hands for collection, and account for and pay over the same to those entitled thereto, under the same rules required by law of sheriffs in the collection of taxes, and of constables or sheriffs in the collection of executions and other demands. Said marshal shall be entitled to such fees for collecting the town tax as the trustees may allow by their by-laws: *Provided*, That the police judge shall have power and authority, at the instance of the party applying therefor, to direct his processes to be executed by any officer who is authorized by law to execute such processes; and said marshal shall have power to perform any official duties in said county that sheriffs or constables may perform: *Provided further*, That said town marshal shall execute a bond within thirty days after his election for the faithful discharge of the duties of his office, with good and sufficient surety, to be approved by the trustees of said town. In addition to the above bond, said marshal shall be required to give bond for the collection of the town tax, in substance the same as sheriffs are required to give for the collection of the county levy.

§ 35. Said marshal shall have power to summon as many citizens or persons as he may think necessary in making arrests, and any person refusing to obey such summons shall be fined not exceeding twenty dollars.

§ 36. The trustees shall have power to pass by-laws for the working of persons fined in the police court on the streets, and they may have the use of the county jail for keeping such persons.

§ 37. That any officer failing to pay over and de-

liver to his successor, within twenty days after his qualification, on demand of his successor, any records or papers belonging to said office, he shall forfeit and pay to said town one hundred dollars, recoverable by motion in the police court.

**Sale of liquors.** § 38. That from and after the passage of this act it shall be unlawful for any person or persons to sell, vend or loan ardent, vinous, malt, spirituous or intoxicating liquors, or any mixture thereof, within two miles of the town limits, as shown by this charter.

§ 39. That any person or persons permitting any of the offenses named in section thirty-eight to be committed on their premises, shall be fined not less than twenty-five nor more than one hundred dollars, and each day shall constitute a separate offense.

§ 40. That any person or persons violating the provisions of section thirty-eight of this charter shall be fined sixty dollars for each offense. It shall be the duty of the town marshal to arrest any person or persons that he may have good reason for believing that they are or have been violating the provisions of section thirty-eight of this charter, either with or without warrant, and carry them before the police judge, to be dealt with according to the provisions of this charter and the laws of said town.

§ 41. If at any time the office of police judge should become vacant, the Governor shall, upon the recommendation of the trustees of said town, appoint some person to act as police judge till the next regular election for town officers, and until his successor is duly elected and qualified.

§ 42. The trustees shall have power to fill any vacancy that may occur in the office of town marshal.

§ 43. That all acts and parts of acts heretofore enacted in relation to the incorporation of the town of Jackson, and all laws relating to said town in conflict with this charter, are hereby repealed.

§ 44. That C. J. Little, J. Wise Hagins, A. H. Short, J. B. Marcum and A. H. Hargis be, and they are hereby, appointed trustees of said town, and A. F. Lyon, police judge, and Jere Cardwell, marshal, who shall qualify within twenty days after the approval of this act, and hold their offices until the first Saturday in April, one thousand eight hundred and ninety election, and until their successors are elected and qualified.

§ 45. The police judge shall hold a regular quarterly court on the third Monday in January, April, July and October, for the trial of civil causes, and his fees in said causes shall be the same now allowed by law to judges of quarterly courts.

§ 46. This act shall be in force from its passage.

Approved March 25, 1890.

#### CHAPTER 405.

AN ACT to amend the charter of the Security Trust and Safety Vault Company, of Lexington, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That in addition to the investment now authorized by section eleven of the act, entitled "An act to incorporate the Security Trust and Safety Vault Company of Lexington," approved March sixteenth, one thousand eight hundred and eighty-six, said company is also authorized to lend out such portion of its capital and surplus as may be deemed advisable, and as security therefor to take and receive in pledge any safe stocks, bonds or promissory notes secured by lien on real estate or other safe and approved collateral.

§ 2. This act shall take effect from its passage.

Approved March 25, 1890.

## CHAPTER 406.

AN ACT to amend the charter of the Bardstown Female Academy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the trustees of the Bardstown Female Academy are hereby empowered and directed to sell the property owned by this company located in Bardstown, Kentucky, and known as the Bardstown Female Academy. Said sale shall not be made until it is directed and ordered by the congregation of the Presbyterian Church at Bardstown.

§ 2. A meeting of the congregation of said church shall be called for the purpose of voting upon this proposition ; at least one week's notice of said congregational meeting shall be given, in the mode usual for calling such meetings. A vote shall be taken by said congregation upon the proposition of ordering such sale, and if a majority of the vote cast shall be in favor of selling said property, the sale shall be made by the chairman of the board of trustees of the said academy, publicly or privately, as the congregation may order. A vote against such sale shall not estop the congregation from again voting upon the proposition.

§ 3. Whenever such sale is made the bonds or notes for the purchase money shall be made payable to the trustee of said church appointed by the Nelson Circuit Court to hold and manage the Brown fund belonging to said Bardstown Presbyterian Church. Said trustee shall collect all the purchase money for said property, and, after paying the necessary costs of the sale shall hold said money as a trust fund, and be liable for same on his bond. The principal of said fund shall not be expended or used by said church except as herein provided. Said trustee shall invest said fund in safe bonds, stocks or notes



paying annual, semi-annual or quarterly interest, and keep same so invested. He shall pay the interest of said fund to the proper officers of said church, to be used in paying pastor's salary and such other church expenses as the session may order.

§ 4. The chairman of the board of trustees of said academy shall convey the property sold to the purchaser.

§ 5. This act shall take effect and be in force from its passage.

Approved March 25, 1890.

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#### CHAPTER 407.

AN ACT declaring certain portions of Green river, in Green county, a lawful fence.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Green river, from mouth of Pitman's creek, in Green county, to the ford near Greensburg, Kentucky, known as Sartin's ford, is hereby made and declared a lawful fence as to the lands adjoining said Green river on either side thereof.

§ 2. That this law is not applicable to any lands or fields, only such as lie adjoining said river, and of which the said river is one of the boundary lines thereof: *And provided also*, That such land or fields must be inclosed with a good lawful fence, except on such part as adjoins said river.

§ 3. This act to be in effect from its passage.

Approved March 25, 1890.

## CHAPTER 408.

AN ACT providing for the appointment of a sealer of weights and inspector of stock and grain scales in Shelby county, and to legalize the appointment of such officer heretofore made by the Shelby County Court.

WHEREAS, The Shelby County Court did, at its May term, one thousand eight hundred and eighty-eight, appoint and elect a sealer of weights and measures for Shelby county, who did, in pursuance thereof, proceed to inspect and seal certain scales, weights and measures in said Shelby county, and did charge and collect therefor a fee in money for his services; and whereas, said appointment was made by said court under the impression that it was authorized by law so to do; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That said appointment, made by said Shelby County Court at its May term, one thousand eight hundred and eighty-eight, of such sealer of weights and measures for Shelby county, is hereby legalized and confirmed, and all and singly the acts of such officer, by virtue of said appointment, are hereby confirmed and made legal.

§ 2. That the said county court of Shelby county, composed of the county judge and justices of Shelby county, shall, at its May term, one thousand eight hundred and ninety, and every two years thereafter, select and appoint a sealer of weights and inspector of stock and grain scales for Shelby county, who shall hold his office for two years, and until his successor is elected and qualified, whose duty it shall be to examine, correct and seal all the stock and grain scales in Shelby county at least once in each two years, and as often as so directed to do by said county court of Shelby county, and when requested so to do by any person complaining as hereinafter provided for. He

shall receive for his services for each inspection and sealing of each pair of scales the sum of two dollars, to be paid by the owner or person operating such scales, except as hereinafter provided for.

§ 3. Such officer shall, before entering upon the discharge of his duties, make oath before the county judge of Shelby county that he will faithfully perform the duties of his office, and execute bond to be approved by said county judge.

§ 4. He shall every two years, or oftener if required by the county court, make a report to said court in writing, showing the number and capacity of the scales inspected by him and the fees received therefor.

§ 5. He shall take possession of, safely keep, and deliver to his successor in office such standard weights and measures as said county court has or may hereafter provide for his use.

§ 6. Whenever any responsible person shall make any complaint to him as to the correctness of any stock or grain scales in Shelby county, it shall be the duty of said sealer of weights to forthwith inspect such scales, and if the same shall be found to be correct, then the complainant shall pay the fee for such inspection; but should said scales be found to be not correct, then the owner or operator thereof shall pay said fee.

§ 7. Should any owner or operator of any such stock or grain scales, located in Shelby county, refuse to allow the same to be inspected as herein provided for, when requested so to do by said sealer of weights, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined the sum of ten dollars, recoverable by warrant in the name of the Commonwealth before any justice of the peace in the district for Shelby county, in which the scales are located, and it shall be the duty of said sealer of weights to institute said proceedings against such delinquent person or persons.

§ 8. This act shall take effect from its passage.

Approved March 25, 1890.

## CHAPTER 409.

AN ACT to amend an act, entitled "An act to amend the charter of the city of Augusta, Kentucky," approved February eighteenth, one thousand eight hundred and ninety.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act to amend an act, entitled "An act to amend the charter of the city of Augusta, Kentucky," approved February eighteenth, one thousand eight hundred and ninety, be, and the same is hereby, amended so as to strike out the following words where they occur in section one of said act, namely: "*Provided*, The majority of the vote cast at the election preceding, when the vote was taken for or against the sale of spirituous, vinous or malt liquors, was in favor of the sale of spirituous, vinous and malt liquors."

§ 2. This act shall be in force from its passage.

Approved March 25, 1890.

## CHAPTER 410.

AN ACT to amend the charter of the Kentucky and Indiana Bridge Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. The charter of the Kentucky and Indiana Bridge Company, a corporation created and organized under an act of this Legislature, approved April first, eighteen hundred and eighty, and the amendments thereto, be, and hereby is, amended as hereinafter set forth.

§ 2. Said company may transport freight and passengers over its bridge and connecting railroad lines in its own cars or in those of others, and may, by

purchase, lease or otherwise, acquire, hold, own and dispose of such rolling stock and equipment as may be necessary or convenient to that end ; but in respect to such transportation the company shall be a common carrier.

§ 3. Said company may, by purchase, lease, or Real estate. otherwise, acquire, hold, own and improve any real estate necessary or convenient for terminal facilities in or near New Albany, Indiana ; and with a view to improving its terminal facilities may so acquire, own and operate any railroad or street railway line or lines in or near said city of New Albany, or in the county of Floyd, in the State of Indiana ; and may acquire, hold and own capital stock in any corporation owning or controlling or authorized to own or control such line or lines, in such manner and to such extent as may be authorized or permitted by the law of Indiana ; and as a part of the consideration for such acquisition, may indorse or guarantee the payment of the interest and principal, or either, of the bonds or other obligations of any corporations or persons from whom such real estate of such line or lines may be acquired, or whose capital stock may be acquired as herein authorized.

§ 4. Said company may, from time to time, issue its Issue bonds. bonds in such amount as may be deemed necessary for corporate purposes, and may secure the same by mortgage or pledge of its property and franchises in such manner and to such extent as may be authorized by a stockholders' meeting, and approved by the board of directors ; and the company may, in like manner, by further mortgage or pledge of the property and franchises, secure any bonds heretofore issued by it.

§ 5. Contracts with railroad companies or others for the use of said company's bridge, connecting lines or terminal facilities, may provide for the payment by either party to the other of such consideration or

compensation as may be agreed on in money, lands or securities of either of the contracting companies, or of other companies, as may be stipulated in such contracts.

§ 6. This act shall take effect from its passage.

Approved March 26, 1890.

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## CHAPTER 411.

AN ACT for the benefit of Washington county, by which said county is authorized to fund its outstanding railroad debt.

WHEREAS, The Washington County Court, under and by virtue of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to incorporate the Cumberland and Ohio Railroad Company," subscribed for and purchased four hundred thousand dollars of the capital stock of said railroad company, and the bonds of said county were issued to pay for said stock; and whereas, there are outstanding of said bonds about twenty-five thousand dollars, which will become due during the year one thousand eight hundred and ninety-one, and the payment of the same is not provided for; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful, and it is hereby made the duty, of the judge of the Washington County Court to cause to be prepared negotiable interest-bearing bonds of Washington county, to the amount in the aggregate of (\$25,000) twenty-five thousand dollars, in amounts of two hundred and five hundred dollars each, as said judge may determine, with coupons attached. Said bonds and coupons shall be payable to bearer, and made negotiable and payable at the First National Bank of Springfield, Kentucky. The bonds shall be due twenty years after date, with the right reserved to pay the same, or any number of

Bonds.

them, at any time after five years from the date thereof. Said bonds shall bear interest from date at the rate of six per centum per annum, and payable semi-annually. Said bonds and coupons shall be signed by the judge of the Washington County Court, and attested by the clerk of said court.

§ 2. When said bonds shall have been executed as herein provided, the judge of the Washington County Court shall deliver the same to the treasurer of the commissioners of the sinking fund of Washington county that may be in office under and by virtue of the said act to incorporate the Cumberland and Ohio Railroad Company; and the said commissioners of the sinking fund of Washington county are hereby authorized and required to sell said bonds at the best price they can get for same, not, however, less than the par value of said bonds and accrued interest thereon, and with the proceeds thereof pay any of said outstanding bonds or interest thereon.

§ 3. The duties of the said commissioners of the sinking fund of Washington county, now appointed or hereafter may be appointed, and the treasurer thereof, and their liabilities, and that of the sureties on the bond of the said treasurer, shall be the same with reference to their duties under this act as that now provided under the said act to incorporate the Cumberland and Ohio Railroad Company; and all parts of said act with reference to said commissioners and the treasurer thereof, so far as the same may be applicable to carry out the true intent and meaning of this act, is hereby re-enacted and made part hereof.

Duties of sinking  
fund commis-  
sioners.

§ 4. Should it become necessary for said bonds to be delivered, as hereinbefore provided, before the treasurer of said commissioners executes a new bond, the said treasurer shall, before receiving said bonds, execute a new bond, with good personal security, before the judge of the Washington County Court, for the faithful discharge of his duties.

Payment of  
bonds.

§ 5. The said commissioners of the sinking fund of Washington county shall have the right to determine by lot, from time to time, which of said bonds shall be paid after the expiration of five years from the date thereof; and after they shall be so designated or called for payment, the said commissioners shall give notice that they are called for payment by publishing the same in a daily newspaper published in the city of Louisville, Kentucky, and any newspaper published in Washington county, Kentucky, in each issue thereof, for a period of fifteen days. That all bonds that may be called for payment, and all past due coupons thereon, as herein provided, shall cease to bear interest after said notice shall be given.

§ 6. The Washington County Court shall annually levy a tax on the property of the citizens of Washington county that may be assessed and liable for State revenue, of such amount as the commissioners of the sinking fund of Washington county may recommend, sufficient to create a sinking fund to pay said bonds as they may be called or become due, as well as the interest thereon.

§ 7. The sheriff of Washington county shall collect said tax, and pay the same to the treasurer of the sinking fund at the same time and in the same manner as is provided for the payment of the tax under said act to incorporate the Cumberland and Ohio Railroad Company. To enable said sheriff to collect said tax, he is hereby empowered to levy on and sell property liable to said tax as he is authorized in collecting the State revenue.

§ 8. For the faithful discharge of his duties under this act, the said sheriff and his securities shall be liable on his bond for collecting the county levy of Washington county.

§ 9. This act shall take effect and be in force from and after its passage.

Approved March 25, 1890.



## CHAPTER 412.

AN ACT to provide for electing a board of commissioners for the county of Nicholas, and defining their duties, power and liability.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That there is hereby created and established for Nicholas county a board of commissioners, to be composed of one citizen, freeholder, from each of the districts hereinafter described and established, and the county judge of said county, who shall be *ex officio* a member of said board.

§ 2. That for the purposes of this act said county <sup>Districts.</sup> is divided into four districts as follows, namely: The present voting precinct in said county known as Carlisle precinct shall constitute the first district; the present voting precinct in said county known as the Headquarters precinct shall constitute the second district; the present voting precinct in said county known as the Ellisville and Blue Lick Springs precinct shall constitute the third district, and the present voting precincts in said county known as the East Union and the Upper Blue Lick Springs precincts shall constitute the fourth district.

§ 3. At the next regular August election held in said county, after the passage of this act, there shall be elected, by the qualified voters of said county, four citizens, who are freeholders therein, and no two of whom shall reside in any one of the aforesaid districts, who, together with the county judge of said county, shall constitute said board, to be styled the board of commissioners for Nicholas county. The terms of office of said four elected commissioners shall commence on the second Monday in August next succeeding their election, on or before which day they shall take an oath to faithfully and impartially execute the duties of their office, and immediately enter upon the duties of said positions. One

Election of commissioners.

of said commissioners shall serve for one year, and until his successor is elected and qualified ; one shall serve for two years, and until his successor is elected and qualified ; one shall serve for three years, and until his successor is elected and qualified ; and one shall serve for four years, and until his successor is elected and qualified. At their first meeting said commissioners shall determine, by lot, which shall serve the respective terms. At each succeeding August election after the one at which said four commissioners are elected as above specified, there shall be one commissioner elected by the voters of the county to succeed the one whose term of office is then expiring, and such successor shall be a citizen and freeholder of the same district from which his predecessor was elected. If at any time a vacancy occurs in said board by death, resignation, removal, or from any other cause, then the county judge shall fill said vacancy by appointing a suitable person from the district in which the vacancy occurred until the next August election, when one shall be elected to fill said unexpired term, if any, who shall be a resident of the same district as his predecessor, and shall have the same qualifications as hereinbefore prescribed.

§ 4. This board of commissioners shall hold stated meetings at the court-house in Carlisle, Nicholas county, on Tuesday after the second Monday in February of each year, and may remain in session not exceeding six days. The county judge may call an extra session of said board of commissioners on his own motion, if he should deem it necessary to do so, or he shall call an extra session upon the written application of two of said commissioners. If present, the county judge shall preside ; but in case he is not present at any meeting of the said board at the said court-house, the said commissioners shall elect one of their own number to preside *pro tempore*, with the same power and authority as the county judge, were he present. No meeting of the said board of

Meetings.

commissioners, other than the February meeting, as aforesaid, shall last for a longer time than three days ; and at all such meetings at least three of the elected commissioners shall be present to form a quorum. Any person holding any county office (except the county judge) shall be ineligible to the office of county commissioner as contemplated by this act.

§ 5. The county clerk shall attend all the meetings of the board of commissioners at the court-house, in the county of Nicholas, and shall keep a full and detailed record of all proceedings of every and all meetings, of any or all of said commissioners, in a book furnished by him, and he shall keep said book fully and carefully indexed and preserved among the records of said county, and in the same manner as he is now required by law to keep records and proceedings of the court of claims, and shall publish them as in the court of claims, and subjected to same penalty for the failure to do so.

§ 6. The board of commissioners shall have charge of and transact any and all business heretofore transacted by the court of claims, and shall be governed by, and subject to, the same laws and penalties, when not otherwise provided for in this act ; and all acts and parts of acts creating a court of claims, applicable to the county of Nicholas, is hereby repealed and held for naught, so far as they apply to said county of Nicholas, to take effect as soon as said commissioners are elected and qualified.

§ 7. It shall be the especial duty of the said commissioners to take charge of the county buildings, and every description of property belonging to the county of Nicholas, and to appoint a suitable person to be keeper or superintendent of the county infirmary for the term of one year, and to require him to give bond, with good and ample sureties, for the honest and faithful discharge of his duties ; and said commissioners shall have all the authority and power in respect to the paupers of said county

Take charge of  
buildings

that are conferred by section sixteen, chapter twenty-eight, and by chapter forty-six, of the General Statutes, upon county courts, and to make such rules for the management of said institution as they may deem expedient; and also to take charge of all county roads and bridges, and all turnpike roads in which said county has a controlling interest to the extent of said interest, and preserve the same from waste; and when it is necessary to build or repair any bridge and the approaches thereto, on any county road or turnpike in which the county has a controlling interest, said commissioners may, if they deem it expedient, immediately cause said bridges and approaches to be erected at the expense of said county.

§ 8. The commissioners may, for the purpose of examining any county building, bridge, road, or any other public improvements of which they have charge in this act, meet when and where circumstances may require; but when they make any order in regard thereto, it shall be done at the court-house, which order or orders shall be entered by the county clerk in the commissioners' record-book, which record shall be properly dated and signed by the commissioners making said order. Any three of said commissioners shall form a quorum for transacting such business, but all shall be notified and required to be present, unless unavoidable circumstances prevent.

Manage turn-  
pikes.

§ 9. It shall be the duty of the board of commissioners to require the management of all turnpike roads in which the county of Nicholas owns stock, to cause to be made and furnished to said commissioners, on Tuesday after the second Monday in February of each year, an annual report, showing what disposition has been made of the money arising from the revenues of said road. Said report shall be in detail, and shall also show what salary or compensation is paid to each officer or agent of the road receiving compensation or salary, and shall also show what are all the resources of said road. Said report

shall be signed by the president of the board of directors and verified by his affidavit. Any person failing to perform his duty, as required by this section, shall be guilty of a misdemeanor, and fined not less than fifty dollars or more than five hundred dollars, to be recovered by indictment in the Nicholas Circuit Court, unless it shall be shown that at a meeting of the board a vote was taken as to whether or not said board should cause said report to be furnished, as required by this act, and that he voted in favor of causing the report to be furnished. The president and the members of the board of directors may be indicted, jointly or severally, for a failure to perform their duties under this section.

§ 10. *Be it further enacted*, That it shall be the duty of each toll-gate keeper, on any turnpike road which has or may hereafter be incorporated under the laws of this Commonwealth, and in which the county of Nicholas owns stock, to keep a faithful account of the money received by him as gate-keeper, and the money paid out by him as such, and to whom paid, and to make a detailed report in writing thereof, verified by his affidavit to the elected board of commissioners for Nicholas county, on each Tuesday after the second Monday in February of each year, or said toll-gate keeper shall report, as aforesaid, oftener, should he be required to do so by said board of elected commissioners. It shall also be the duty of the treasurer of any such turnpike road company, or other person or officer authorized by law to receive the moneys due to the road, to keep a faithful account of the money received and paid out by him, and to whom, and upon what account paid, and report the same in detail, in writing, to said elected board of commissioners on each Tuesday after the second Monday in February of each year, or whenever required by said board of commissioners to do so, which report shall be verified by his affidavit. Any person failing to keep the account as aforesaid, or to

make the report required by this section, shall be guilty of a misdemeanor, and fined not less than twenty-five dollars nor more than one hundred dollars, to be recovered by warrant in the name of the Commonwealth.

§ 11. That said board of commissioners shall be  
Shall be sinking  
fund commis-  
sioner. the commissioners of the sinking fund for Nicholas county, and may elect one of their number secretary of said board, and shall perform all the duties required of, possess all the powers conferred upon, and be subject to the same penalties, for a failure to perform said duties as denounced against the commissioners of the sinking fund of Nicholas county in an act, entitled "An act to create the office of county treasurer for Nicholas county, and to create a sinking fund for said county," approved May third, one thousand eight hundred and eighty-eight; and so much of said act as makes the county clerk and county attorney commissioners of the sinking fund is hereby repealed.

§ 12. That the members of said elected board of  
Give bond. commissioners shall each, before entering upon the duties of his office, execute a good and sufficient bond, to be approved by the county judge, with at least two or more sureties, whose aggregate property, subject to execution, shall be at least of the value of five thousand dollars over and above their indebtedness, for the faithful performance of their duties. Said bond shall be witnessed by the county clerk, and by him recorded with the proceedings of the board of commissioners, and safely kept in the county clerk's office. The county judge shall be liable on his official bond for the faithful performance of his duties under this act.

§ 13. It shall be the especial duty of the elected board of commissioners to inquire into and know that the sureties of the county treasurer of Nicholas have the qualifications as required by existing law; and they shall require additional bond and

sureties when they may deem it necessary ; and shall do so when said treasurer has, or is about to have, a greater amount of money belonging to said Nicholas county in his hands than is perfectly and amply secured by former bond.

§ 14. That the elected board of commissioners may, Levy tax. if they deem it necessary, levy an ad valorem tax of not exceeding fifty cents on each one hundred dollars' worth of taxable property in Nicholas county for county purposes for any one year, and a poll or capitation tax of not exceeding two dollars on each tithe-payer in said county for any one year. For the purpose of repairing the court-house, jail or clerks' offices, or any other buildings belonging to said county, or for the purpose of building a new jail for said Nicholas county, it shall be lawful for, and the said board of commissioners may, if they deem it necessary to do so, levy on the property listed for taxation for revenue purposes an additional ad valorem tax of not exceeding fifteen cents on each one hundred dollars, and to provide for the collection of the same ; and the proceeds of such levy, when collected, shall be paid over to the county treasurer, and shall be made a part of the sinking fund, and shall be applied exclusively to the purposes aforesaid and to no other purpose whatever. Said elected board of commissioners may, if they should deem it necessary, make such levy as aforesaid, and for such purposes as aforesaid, from year to year, and until, in their judgment, a sufficient amount of money has been raised to accomplish the purposes as contemplated in this act ; but no such tax shall be levied unless a majority of the elected board of commissioners for said county shall be present and concur therein.

§ 15. That it shall be lawful, and the said board of commissioners are hereby authorized, to sell and convey the present jail-house and lot belonging to Nicholas county, to the highest and best bidder, if they should deem it necessary to do so, and on such terms

as are for the best interest for said county, and retaining a lien on said property until all the purchase money is fully paid. Should the commissioners deem it necessary to sell the old jail-house and build a new one, the new jail-house shall be erected upon the lot known as the public square, or court-house lot, belonging to said county.

§ 16. Any balance that has or may hereafter accrue to the sinking fund under the provisions of this act, approved May third, one thousand eight hundred and eighty-eight, creating a sinking fund for Nicholas county, may be used and appropriated by the said board of commissioners to any of the needs of the county, or for improving county property if they should deem it necessary to do so. All the provisions of said act of May third, one thousand eight hundred and eighty-eight, creating a sinking fund for said county, not expressly changed by this act, shall remain in full force.

§ 17. That the county clerk shall deliver to the sheriff and treasurer a statement showing the percentage of the county levy belonging to the several funds to be collected; and the sheriff and treasurer shall keep such funds separate, and pay out of each fund as the order drawn by the elected commissioners may specify.

§ 18. The per diem of said elected commissioners shall be three dollars per day, necessarily spent in the transaction of said business.

§ 19. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed; and this act shall take effect and be in force from and after Tuesday, the fifteenth day of July, one thousand eight hundred and ninety.

Approved March 25, 1890.



## CHAPTER 413.

AN ACT to incorporate and consolidate the Lebanon Electric Light Company and the Lebanon Artificial Ice Company, under the name of the Lebanon Electric Light and Ice Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

WHEREAS, The two corporations, the Lebanon Electric Light Company and the Lebanon Artificial Ice Company, have been incorporated under and by virtue of the general laws of this State by the adoption of articles of incorporation and having them recorded in the clerk's office of the Marion County Court, Kentucky, with an authorized capital stock of thirty thousand dollars, of which twenty thousand dollars has already been subscribed ; and whereas, said corporations have entered into an agreement to consolidate ; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That said two companies be, and they are hereby, consolidated, under the name of the Lebanon Electric Light and Ice Company ; and by that name shall have perpetual succession, may sue and be sued, contract and be contracted with ; may have a common seal, and alter same at pleasure ; may render shares of stockholders transferable, and prescribe the mode of making such transfers.

§ 2. Said corporation may acquire and transfer property, possessing same powers in such respects as private individuals. The private property of the stockholders of said corporation shall be exempt from corporate liability.

§ 3. Said corporation shall establish by-laws, make all rules and regulations deemed expedient for the management of their affairs, not inconsistent with the Constitution or laws of this State or the United States.

§ 4. The business of this corporation is the manufacture and sale of electricity and ice.

§ 5. The affairs of the operation shall be under the management and control of a board of five directors, to be elected annually by the stockholders at a time to be fixed by said two original companies when they accept this charter.

§ 6. Said board of directors shall elect a president, secretary and treasurer, and require bonds of its officers for the faithful performance of their duties.

§ 7. This passage and acceptance of this act will in nowise affect or impair any rights or franchises acquired or possessed by the original companies, or any contracts made by them or either of them.

§ 8. Said corporation may increase its capital stock to an amount not exceeding forty thousand dollars in all, and may fix the price at which said new issue of stock may be sold.

§ 9. This act to take effect from and after its passage.

Approved March 25, 1890.

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## CHAPTER 414.

AN ACT to regulate the civil jurisdiction of the police court of the town of Springfield, Washington county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the police court of the town of Springfield shall have jurisdiction in civil cases concurrent with the quarterly court of Washington county for the recovery of money or personal property where the amount in controversy, exclusive of interest and cost, does not exceed two hundred dollars.

§ 2. That all general laws regulating the practice and taxation of cost in circuit courts, so far as the same may be applicable, shall apply to and govern the said police court.

§ 3. All laws or parts of laws in conflict with this act are hereby repealed.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 25, 1890.

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## CHAPTER 415.

AN ACT to authorize the Washington County Court to levy an ad valorem tax for county purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The Washington County Court is hereby empowered to annually levy an ad valorem tax of not exceeding fifteen cents on each one hundred dollars of the taxable property of said county, which tax is to be used in defraying the general expenses of said county.

§ 2. The sheriff of Washington county is authorized to collect said tax, and for that purpose he is given the same powers as to levying on and selling property as he is authorized to do in collecting the State revenue.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 25, 1890.

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## CHAPTER 416.

AN ACT to legalize the order of the Washington County Court, entered at its October term, one thousand eight hundred and eighty-nine, levying an ad valorem tax of ten cents on each one hundred dollars of the taxable property of said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the order of the Washington County Court, entered at its October term, one thousand

eight hundred and eighty-nine, levying an ad valorem tax of ten cents on each one hundred dollars of the taxable property of said county for county purposes, be, and the same is hereby, made legal ; and the sheriff of said county is hereby given all the authority to collect such tax as if said levy was by authority of an act of the General Assembly of Kentucky.

§ 2. This act shall take effect and be in full force from and after its passage.

Approved March 25, 1890.

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## CHAPTER 417.

AN ACT for the benefit of Washington county.

WHEREAS, The Washington County Court has, for a number of years, annually appropriated one thousand dollars per mile to aid in constructing turnpikes in said county; that about two hundred and fifty miles of the main thoroughfares of said county have thus been turnpiked during the last fifteen years; and whereas, said county now has a debt of about seventy-five thousand dollars because of such appropriations; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall hereafter be unlawful for the Washington County Court to make any appropriation to aid in building any turnpike, or take stock in any company to an amount greater than five hundred dollars per mile.

§ 2. All laws or parts of laws in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 25, 1890.

## CHAPTER 418.

**AN ACT** to amend an act, entitled "An act to amend an act, entitled 'An act to empower Logan county to retire the bonded indebtedness of the county at or before maturity; to create a sinking fund for that purpose; to provide for commissioners of the sinking fund and collectors of taxes levied, and to provide for the duties and powers of said officers.'"

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to empower Logan county to retire the bonded indebtedness of the county at or before maturity; to create a sinking fund for that purpose; to provide for commissioners of the sinking fund and collectors of taxes levied, and to provide the duties and powers of said officers,' " approved April twenty-fourth, one thousand eight hundred and eighty-eight, be, and the same is hereby, amended by adding thereto, after the word "year," and before the quotation mark in the twelfth line of the first section of said act, the words "and upon the failure of any corporation so to do, it shall be liable for the amount of such tax not so paid, with interest thereon at the rate of ten per centum per annum, from the time the same ought to have been paid until it shall be paid, to be recovered by action on motion in the name of said commissioners, and against said delinquent corporation, in any court of competent jurisdiction in Logan county; and the circuit court of said county shall also have jurisdiction of said action or motion, and in addition thereto, for a failure on the part of any corporation to pay such tax at the time hereinbefore stated in the act to which this act is an amendment, the president or chief officer residing in this State shall be subject to a fine of twenty dollars for every day that elapses without the payment of said tax, and

after said December first said fine may be recovered by indictment or civil action in the Logan Circuit Court."

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall take effect and be in force from its passage.

Approved March 25, 1890.

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## CHAPTER 419.

AN ACT to authorize the city of Cloverport to refund its school-house indebtedness.

WHEREAS, The city of Cloverport has an outstanding indebtedness of fifty-three hundred dollars principal, being the unpaid balance of a debt incurred in the erection of a school-house, which said indebtedness is evidenced by the outstanding bonds of the town of Cloverport bearing interest at the rate of seven per centum per annum, and which said bonds matured in the year one thousand eight hundred and eighty-nine; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the city council of Cloverport, a majority of the councilmen being present and concurring, are authorized to refund the said school-house indebtedness of fifty-three hundred dollars (\$5,300), and for such purpose are authorized to issue the bonds of said city bearing interest, payable annually at a rate not exceeding six per centum per annum, and due and payable not exceeding thirty years after the date thereof, but redeemable after five years from their date at the pleasure of the council, and in such denominations as shall be determined by the council.

§ 2. Said bonds shall be made payable at such place as the said council shall determine, and shall be

signed by the mayor and clerk of said city, and shall bear its seal, and shall have attached thereto coupons for each year's interest, which shall be signed by the clerk of said city.

§ 3. Said bonds, when issued, may be sold at such time and place and in such manner as said council shall determine, and the proceeds thereof shall be used to pay off the said indebtedness of said city.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 25, 1890.

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## CHAPTER 420.

AN ACT to incorporate the Farmers and Merchants' Bank of Falmouth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby established a bank of deposit Capital stock. in the town of Falmouth, Pendleton county, Kentucky, with a capital stock of seventy-five thousand dollars, in shares of fifty dollars each, to be subscribed and paid for as hereinafter provided; and the subscribers to said stock, their successors and assigns, shall be a body-politic and corporate, by the name and style of the "Farmers and Merchants' Bank;" and in that name may contract and be contracted with, sue and be sued, and doing all things necessary to carry out the purpose of its incorporation.

§ 2. Said bank shall be under the control and direction of seven directors, each of whom shall be stockholders to the extent of ten shares in said corporation, who, after the first election, shall be elected on the second Monday in January of each year, and who shall hold office for one year, or until their successors are elected and qualified. They shall elect

one of their number president and one vice-president, who shall act in his stead in case of the death, absence or other inability of the president; and they may hold their meetings wherever and at such times and places as they may deem necessary and proper; and in case of the death, resignation or inability to serve of any director, the vacancy shall be filled by the board of directors out of the stockholders. The directors shall have power to receive subscriptions for so many of the shares of the stock of said bank remaining unsold as they at any time may choose to sell; to declare dividends of the profits arising from the profits of the business, and to appoint such officers, agents and clerks as they may deem necessary to conduct the business of the bank, and pay them such compensation and take from them such bonds to secure the true and faithful performance of their duties as they shall think proper and reasonable. The stock shall be deemed personal property and shall be assignable, but only by transfer entered upon the books of the bank.

§ 3. William Gulick, J. W. Thompson, S. L. Purdy, J. H. Thomas, William M. Applegate, J. U. Riggle and O. M. Browning are hereby constituted and appointed a board of directors for said bank, to hold office as such until their successors are elected and qualified, who shall open books and receive subscriptions to the capital stock; and when sixty shares have been subscribed, it shall be their duty to give notice to the stockholders, by printed advertisement or otherwise, and appoint a day for the election of a board of directors, who shall hold their office until the ensuing regular election, at which election, and each subsequent one, every stockholder shall be entitled to cast one vote, in person or by written proxy, for each share of stock owned by him, and on which he has paid in full all the called installments due at the date of said election; and every stockholder shall be liable to the creditors of said bank only for the full amount



of the unpaid stock subscribed for and owned by him. The payment of the shares subscribed shall be made in such installments or at such times as the board of directors may order; and when thirty thousand dollars shall have been subscribed, and when fifteen thousand dollars shall have been paid in, and the cashier makes oath of said fact before some judge or justice of the peace, the bank may begin business: *Provided*, That fifty per centum of any increase in the capital stock shall be paid up in cash; and the whole of the subscribed stock shall be paid within one year, and if not paid then, the capital stock shall be reduced to the amount paid up in cash.

§ 4. The bank may receive deposits of gold, silver, bullion, currency or any thing lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not to exceed the rate fixed by law, as may be agreed upon with the depositors by special or general consent. It may borrow or lend money, buy or sell checks, bills of exchange, promissory notes or current money, bonds, stocks, mortgages and other evidences of debt, and do a general banking business; may take personal or other securities for the payment of obligations, and dispose of them according to the provisions of an act, entitled "An act for the benefit of incorporated banks of Kentucky," approved March sixteenth, one thousand eight hundred and seventy-one, and such disposition shall pass a valid title to same; may receive deposits from minors and married women, and their checks, receipts and acquittances shall be valid. All promissory notes and bills made negotiable and payable at the banking-house of said corporation, or any other banking-house, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon said bills of exchange may be had thereon, jointly and severally, against the drawers, acceptors and indorsers thereof.

Deposits and  
bills of exchange

§ 5. The bank may acquire, hold and use all such

real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety, or in satisfaction of any debts, judgments or decrees, and may sell and convey the same at pleasure: *Provided*, That in no case shall any real estate conveyed for debt be held for a longer period than five years. The board of directors may make all needful by-laws for the government of the bank not inconsistent with the laws of this State and of the United States.

§ 6. Before entering upon their duties the officers of said bank shall take an oath before some justice of the peace, notary public, or police judge, to faithfully perform all duties incumbent upon them under this charter, and that they will not sanction or permit any violation of it.

§ 7. The General Assembly reserves the right to alter, amend or repeal this charter at pleasure.

§ 8. This act shall take effect and be in force from and after its passage.

Approved March 25, 1890.

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## CHAPTER 421.

AN ACT to amend an act, entitled "An act to establish a system of common schools for the town of Beech Grove, McLean county," approved April twenty-second, one thousand eight hundred and eighty-two.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to establish a system of common schools for the town of Beech Grove, McLean county," approved April twenty-second, one thousand eight hundred and eighty-two, be, and the same is, amended so as to include within, and as a part of the common school district established by said act, all territory embraced within the follow-

ing boundaries, namely : Beginning at the northwest Boundaries. corner in the boundaries of said town and running thence up and with Mason creek to where the same crosses the line between the estate of John W. Brown, deceased, on the north, and the lands of Ed. Clayton on the south ; thence with said line in a general direction west, to and along the Calhoon and Bottom's Ferry road to where the same first touches the line between the lands of W. F. Thomas on the west, and those of W. T. Brown and J. W. Dorsey on the east ; thence in a general direction south with said line between said Dorsey and Thomas to the corner of said Thomas and W. H. Bohannon in the same ; thence in a general direction west with the line between said Thomas and said Bohannon to the northwest corner of said Bohannon's original homestead ; thence in a general direction south with the line between said homestead and the "Saddler farm" to and along the Roland's Ferry road to the branch of Mason creek which crosses said road into said Bohannon's field ; thence down said branch to where the same crosses the line between the lands of W. H. Mackey on the west, and those of R. E. Jobe on the east ; thence in a general direction north with said line to the Hartford and Harmon's Ferry road ; thence in a general direction east with said road to where the same crosses Mason creek ; thence down and with said creek to Green river ; thence up said river to the south-east corner of the lands of T. P. Morgan on said river ; thence in a general direction north with the line between the lands of said Morgan on the west and a tract, commonly known as the "Griffith Tract," and the lands of B. A. Hardin on the east, to and along the Beech Grove and Wrightsburg road to said Hardin's north-west corner in said road ; thence in a general direction east with the public road on the line between the lands of said Hardin on the south and those of J. A. Thompson on the north, to said Thompson's south-east corner in said road, in a general di-

rection north with the public road, known as the "Old Beech Grove and Wrightsburg Road," to the corner in same in the line between the lands of J. A. Thompson on the north and those of W. H. Browning on the south; thence in a general direction east to said Thompson's south-east corner; thence in a general direction north, with the line of said Thompson, to his north-east corner; thence in a direct line to the south-west corner of the lands of Rose A. Dillihay; thence with the boundary line of her lands on the south, in a general direction east, to her south-east corner; thence in a direct line to the south corner of the lands of J. J. Brown; thence in a general direction north with the line between the lands of said Brown and Frank Wright on the west, and those of J. H. Eirwin on the east to said Eirwin's north-west corner; thence in a direct line to the north-east corner of the lands of said Rose A. Dillihay; thence in general direction west with the line between her lands on the south and those of the Bohannon heirs on the north to her north-west corner; thence in a direct line to the north-east corner of the lands of P. W. Nolen; thence in a general direction west with his line and with the same line between the lands of J. T. Smith on the north, and those of W. H. Hardin on the south, to the corporate line of said town on the east; and all of the territory included within said new boundaries is hereby taken from the territories of the respective common school districts to which the parts of the same included herein belonged prior to the passage of this act.

§ 2. Said board shall, for each year they may levy a tax, appoint a competent citizen of said district assessor of the same, whose duty it shall be, within thirty days from the date of his appointment, to take a list of all property of white persons in said district subject to taxation for State purposes, and return the same to said board signed by him. He shall, before entering upon the duties of his office, take an oath

before the chairman of said board to fix a fair and full value on all property listed by him without favor or partiality, and shall give to said board a good and sufficient bond for the faithful performance of his duties. He shall for his services be allowed, and by order of said board paid, a reasonable compensation. His appointment shall be subject to revocation by said board.

§ 3. Said board shall have the power, and it shall be the duty of said board, to meet within ten days from the day of the return of the assessor's book to said board and supervise all assessments made under the act to which this act is an amendment; and in each and every case where property in said district has not been correctly assessed, they shall value and equalize the same. Said board shall then adjourn to a fixed time, not sooner than seven days thereafter, and each person whose property has been added to or increased shall be served by the marshal of said town with not less than three days' written notice, signed by the chairman of said board, citing such person to show cause, if any he may have, at the stated meeting, why such increase or addition shall not become final. Said board shall, at the time to which it adjourned, meet again, and hear and decide upon all proof offered against each addition to or increase in assessments made by it, its session for the revision of assessments.

§ 4. The said board of education shall, in each year <sup>Taxes.</sup> it may levy a tax, appoint a collector of taxes in said district, who shall have the power to collect the same, after sixty days from the day of the assessment of the same, by distraint, as sheriffs are or may hereafter be empowered to collect the State revenue; and all levies upon property by said collector for said taxes, and all sales under said levies, and all conveyances of such property sold by him in the enforcement of the collection of said taxes and the recording of all deeds therefor, shall be made under and gov-

erned by the general laws for the collection of the State revenue by the sheriffs of said Commonwealth in force at the time of the making of such levies. Said collector shall be allowed and paid, by order of said board, out of the said taxes collected by him, a reasonable compensation for his services, not exceeding six per cent. of the amount so collected. He shall give bond to said board for the faithful performance of his duties, and shall collect and pay over to the treasurer of said board said taxes within ninety days from the date of the levy of the same; but said board may extend the time for such collections and payments not to exceed six months from the date of the levy of same. At the expiration of said time for said collection and payments said collector shall make settlement of his accounts as such with said board.

§ 5. Any person or persons damaged by the wrongful act of said assessor or collector may sue and recover upon the bond of the officer so damaging such person, before the police court of said town, if said court have jurisdiction of the amount sued for, or before the McLean Circuit Court, if the amount sued for be above the jurisdiction of said police court.

§ 6. The fee of said marshal for serving the said notices shall be twenty cents for each, which shall be paid by the person upon whom served, if he do not successfully resist the addition to or increase in his assessment, otherwise said board shall allow and order paid said fee by said treasurer out of the funds of said district in his hands.

§ 7. The assessment by said board in and for the year one thousand eight hundred and eighty-nine is hereby declared legal, and the said board may appoint a collector of any taxes due upon said assessments as provided in section four, who shall have all powers for the enforcement of collections of the same given in said section.

§ 8. This act shall take effect and be in force from and after its passage.

Approved March 25, 1890.

## CHAPTER 423.

AN ACT to amend the charter of the Westview Building Company,  
and to change its name.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the Westview Building Company, a corporation organized under the laws of this State, and doing business at Louisville, Kentucky, be, and the same is hereby, amended as follows:

§ 2. From and after the ratification and acceptance Change of name. of this act by the stockholders of said corporation, it shall be known and exist under the name of the "Westview Savings Bank and Building Company," and in that name may sue and be sued, contract and be contracted with, and have a common seal, and continue in existence for a period of thirty (30) years.

§ 3. In addition to the powers already possessed by Powers. said corporation, which are those of building and selling houses and dealing in real estate to the extent hereinafter provided, said corporation, under said name herein conferred, shall have power to increase its capital stock from time to time as needed, from its present paid-up stock of one hundred and sixty-five thousand dollars (\$165,000) to five hundred thousand dollars (\$500,000), divided into shares of one hundred dollars (\$100) each, each share entitling the holder to one vote in stockholders' meetings, when voted in person or by written proxy, duly signed by such owner in the presence of at least one subscribing witness.

§ 4. Married women and infants may hold and own Married women and infants may hold stock. shares of said stock, receive and receipt for dividends thereon, and vote the same, without hinderance or control of husbands, parents or guardians, and free from the debts or control of any one except themselves; and may, in like manner, make savings deposits of their earnings with said company, and receive and receipt for interest and earnings thereon, just as in case

of adult persons in manner and form herein prescribed.

Deposits

§ 5. Said company may receive savings deposits in any amount, and agree to pay interest thereon, half yearly, at rates not in excess of five (5) per cent. per annum ; and may issue certificates of deposit, or pass-books therefor ; and said certificates may be transferred by written transfer thereon, duly signed by such depositor in the presence of at least one subscribing witness, and delivery thereof to said company.

Investments

§ 6. Said company may invest its means as follows, and not otherwise : It may purchase other real estate in satisfaction of debts ; it may purchase or discount notes and bills of exchange, secured as hereinafter directed ; it may loan the same on first mortgages or lien on real estate, to an extent not exceeding one-half the cash value of such real estate, or on notes or bonds secured by collaterals, or on bonds of the city of Louisville, or the State of Kentucky, or of the United States, or the stocks of good and solvent incorporated companies, free of liens, and incorporated in this State, having a market value of not less than par ; and no bill of exchange or note whatever shall be bought or discounted by said company, unless secured by such first lien on real estate, or bonds of said city of Louisville, or State of Kentucky, or the United States, or stocks of good and solvent incorporated companies as aforesaid.

Powers.

§ 7. All bills of exchange or notes payable to said company at its office, or the office of any incorporated bank in this State, which it may acquire as collateral or otherwise, shall be, and are hereby, placed upon the footing of foreign bills of exchange, and like remedy thereon may be had ; and by contract with pledgeors to that effect, shall have full power and authority to sell the said collaterals at private or public sale by auction, for cash, or on time, after at least ten (10) days' notice of such intended sale given



in some daily newspaper published in Louisville; and such sales, when made, shall pass title to the purchaser; and if a surplus arise on such sale over the debt for which such collateral was pledged, such surplus shall be applied by said company to the payment of any other indebtedness owing by the pledgeor of said collateral to it, or, if none, then accounted for to the pledgeor or other rightful owner thereof.

§ 8. The board of directors shall consist of not less Directors. than twelve (12) nor more than twenty-five (25) members, to be elected at the annual meeting of stockholders, to be held on the first Monday in the month of January in each year, from among stockholders and by stockholders in attendance at such meetings, to be held at the office of the company: *Provided*, That the number of members in said board may be changed, within the limits aforesaid, in a mode to be provided for in the by-laws of the company. No one shall be a member of said board unless he or she shall hold at least as many as five (5) shares of the company's stock.

§ 9. The board of directors shall provide by-laws By-laws. for the election or appointment of such officers and agents as they deem necessary; prescribe the names of their officers and fix their compensation, and the amount and terms of official bonds and kind of security thereon, and generally for the management and control of the officers of said company, not inconsistent with this charter and laws of the country.

§ 10. In liquidation all of the assets of said corporation shall be first liable for the payment of deposits. Preferred credit-  
ors.

§ 11. Said corporation shall, within five years from the acceptance of this act by its stockholders, cease its building operations and dispose of its real estate, and thereafter transact the business of a savings bank alone, and drop from its name the words "and building company."Change of name.

§ 12. This act shall take effect from and after its passage.

Approved March 25, 1890.

## CHAPTER 424.

AN ACT to authorize the court of claims of Livingston county to levy an ad valorem tax for bridge purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That hereafter the county court of Livingston be, and said court is hereby, authorized to levy annually, for four years, an additional tax on all the taxable property of Livingston county, not exceeding in any one year fifteen cents on the one hundred dollars' worth of said property, for the purpose of repairing and building bridges in said county.

§ 2. This act to be in force from and after its passage.

Approved March 25, 1890.

## CHAPTER 425.

AN ACT to repeal an act, entitled "An act providing for the election of a surveyor in the city of Louisville, and in the county of Jefferson," chapter one thousand six hundred and thirty-six, volume two, Acts one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That chapter one thousand six hundred and thirty-six, volume two, Acts of one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four, entitled "An act providing for the election of a surveyor in the city of Louisville, and in the county of Jefferson," be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved March 25, 1890.

## CHAPTER 427.

AN ACT to amend an act, entitled "An act to prohibit the sale of spirituous, vinous and malt liquors, or a mixture of either, or hard or fermented cider, in Spurlington, Kentucky, or within three miles thereof, in Taylor county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section first of an act, entitled "An act to prohibit the sale of spirituous, vinous or malt liquors, or a mixture of either, or hard or fermented cider, in Spurlington, or within three miles thereof, in Taylor county," which became a law without approval of Governor, April sixth, one thousand eight hundred and eighty-eight, be so amended, as follows, namely: That it shall be lawful for any person to sell hard and fermented cider, in any quantity not less than five gallons at any time, in and within three miles of said Spurlington.

§ 2. All laws in conflict with this act are hereby repealed.

§ 3. This act shall be in force from its passage.

Approved March 25, 1890.

## CHAPTER 428.

AN ACT to prohibit the sale of spirituous, vinous or malt liquors, or any mixture thereof, within two miles of the church-house of the United Baptist at Seventy-six, in Clinton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful for any person or persons to sell, directly or indirectly, any spirituous, vinous or malt liquors, or any mixture thereof, within two miles of the church-house of the United Baptist at Seventy-six, in Clinton county.

§ 2. That any person or persons who shall sell any spirituous, vinous or malt liquors, or mixture thereof, directly or indirectly, in any quantity, except by wholesale, in good faith and the ordinary course of business, shall be fined not less than twenty or more than one hundred dollars.

§ 3. That the county judge of Clinton county, any justice of the peace in and for said county, and the circuit court for said county, shall have concurrent jurisdiction to enforce the provisions of this act.

§ 4. That this act take effect from and after its passage.

Approved March 25, 1890.

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## CHAPTER 429.

AN ACT to re-enact chapter ninety-four of Private Acts one thousand eight hundred and eighty-seven-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That chapter ninety-four of Private Acts of the session of one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight, be, and the same is hereby, re-enacted, and shall be and remain in force for two years from the passage of this act.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 26, 1890.

## CHAPTER 430.

AN ACT to create the office of commissioner of bonds for the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the office of commissioner of bonds, in Commissioner of bonds. and for the city of Louisville, be, and it is hereby, created. The said officer to be some reputable resident of the city of Louisville, over twenty-one years of age, and free from legal disabilities, and to hold office for the period of four years from the date of his appointment.

§ 2. The said commissioner of bonds of the city of Appointment. Louisville shall be appointed by the regular judge of the city court of Louisville, as soon as practicable after this act shall have become a law ; and he shall execute bond to the satisfaction of said judge of the city court of Louisville, conditioned upon the faithful discharge of all his duties.

§ 3. It shall be the duty of said commissioner of Duties. bonds for the city of Louisville to take all bonds required to be taken or given by the city court of Louisville.

§ 4. The said commissioner may appoint two depu- Deputies. ties, who shall have all the powers and rights herein conferred upon the said commissioner himself, and they shall not enter upon the discharge of their duties until they, too, shall have executed bonds in the manner hereinbefore provided for said commissioner.

§ 5. The said commissioner is hereby given power Powers. to administer oaths to parties offering as sureties on bonds, and for all other purposes necessary for the conduct of his office, and to carry into effect the provisions of this act and to enable him to properly execute his duties.

§ 6. All acts and laws and parts of laws and acts heretofore passed in anywise in conflict with the provisions of this act, or granting the power to any other officer or officers to take any bond herein mentioned, shall be, and they are hereby, repealed.

Fees.

§ 7. The said commissioner shall receive and pay into the city treasurer the fees allowed by law to justices of the peace for such services, the fees to be paid by the party at whose instance the services are rendered; and for such services rendered by said commissioner, he and his deputies shall be paid by the city of Louisville the sum of four thousand dollars per annum, payable in monthly installments: *Provided*, That only so much of the salary of said commissioner of bonds and his deputies provided for in this section shall be paid them, or either of them, as is actually collected and paid by said commissioner and his deputies into the city treasury arising from the taking of the bonds contemplated by this act.

Sworn statement.

§ 8. The said commissioner shall make a sworn statement to the city treasurer at the end of each month of all the amounts received and collected by him, together with the name of each party who paid the same, and shall pay into the city treasury all amounts so collected by him, and all the excess over and above the salaries hereinbefore fixed shall be held and used for city purposes.

§ 9. This act shall take effect from and after its passage.

Approved March 26, 1890.

## CHAPTER 431.

AN ACT to amend, digest and reduce into one all the acts and laws in relation to the town of Barbourville, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

## ARTICLE I.

§ 1. That so much of Knox county, Kentucky, as is set forth in section two of this act, is hereby created a body-politic and corporate, by the name and style of "Barbourville," and by that name may have perpetual succession, may sue and be sued in all courts of law and equity in this Commonwealth; may contract and be contracted with; may purchase, receive by gift, or hold otherwise, such lands, tenements and hereditaments and personal property as may be necessary for the use of said corporation, and may sell, lease or convey, or otherwise dispose of same, for the use and benefit of said corporation; may have a common seal, and alter the same at pleasure.

§ 2. The corporate limits of said town of Barbourville are hereby fixed and established as follows, namely: Beginning on the north side of the Cumberland river, at the mouth of the Richland creek on the east bank of said creek; thence northwardly with the meanders of said creek to the Louisville and Nashville Railroad bridge crossing said creek; thence southeastwardly with said railroad so as to include same within the boundary thereof, to where the State road crosses said railroad near William Lock's; thence a straight line to the Cumberland river; thence with the meanders of said river to the mouth of Richland creek, the beginning.

§ 3. All streets, alleys, roads and lanes now open for public use in said town, as heretofore established, and all roads, lanes, streets, alleys and highways now open for public use within the limits of said town, as

defined in this act, are hereby declared to be streets, alleys, roads, lanes and highways of said town of Barbourville.

§ 4. In all suits against said town, service of process shall be upon the chairman of the board of trustees; and in his absence, upon the clerk of the board.

#### ARTICLE II.

§ 1. The corporate powers of said town shall be divided into three departments—legislative, executive and ministerial, and judicial.

#### ARTICLE III.

##### *Legislative.*

Trustees.

§ 1. The legislative power of said town shall be vested in a board of trustees, seven in number, who shall be elected annually the first Saturday of December in each year, by the qualified voters of said town, as hereinafter defined; but nothing in this act shall, in any way, affect the continuance in office of the present trustees of said town until the next regular election, or till their successors are elected and qualified; and the election of said trustees, namely: D. H. Williams, A. M. Decker, D. A. Johnson, John M. Tinsley and Lobe Runyon is hereby ratified, and, by this act, they are duly appointed and confirmed in office until the next regular election as five of the trustees of said town, with authority to act herein and hereunder, and appoint two other trustees, who will be qualified under this act to act with them until the next regular election. No person shall be eligible as a trustee of said town unless he be a male citizen and legal voter of said town, and shall have been a continuous and *bona fide* resident of said town at least one year next preceding his election; and in case of vacancy in said board by death, resignation, or removal from the limits of said town, of any member of said board, the remaining members shall fill



such vacancy by appointment until the next annual election.

§ 2. Each member of the board of trustees, before he enters upon the discharge of his duties as such, shall take an oath before some one authorized by law to administer oaths, that he will faithfully and impartially, without favor or affection, perform his duty according to law. The chairman of the board may administer said oath to trustees appointed to fill vacancies in said board.

§ 3. Said board of trustees, at such time as they may agree upon after their election and qualification, assemble together and proceed to organize by electing one of their number chairman, who shall preside at their meetings, preserve order, and see that a correct journal of all proceedings had is made on a journal which shall be kept for that purpose. He shall sign the journal at the close of each meeting, after causing the record of that meeting to be read aloud in the presence of the board. The minutes or proceedings may be read, adopted and signed at the succeeding meeting of the board. The journal of the proceedings had by and before said board of trustees shall be evidence in all courts of law or equity in this Commonwealth, and same shall at all reasonable times be open to the inspection of those having an interest in same.

§ 4. The board of trustees shall meet at such times and places as the chairman may direct. Their regular meetings shall be the first Saturday in each month. A majority of the board shall constitute a quorum for the transaction of all business. In case of vacancy in the office of chairman by death, resignation, or otherwise, or if the chairman be absent or fail to attend any regular or called meeting of the board, the board shall fill the vacancy in said office by election, or elect a chairman *pro tempore* as the case may be, who shall have all the powers and discharge all the duties of a regular chairman.

§ 5. Upon all questions voted on by the board,

any member thereof may, on his demand, have the yeas and nays entered on the journal.

§ 6. Said board may pass any penal ordinance necessary for the well-being and good government of said town, not inconsistent with the Constitution and laws of the United States or of the State of Kentucky, and may prescribe penalties for the violation of same in sums by fines not exceeding one hundred dollars. Said ordinances passed by the said board shall be adopted by a majority of the board of trustees, and shall be duly entered upon their journal, and when so entered, passed and adopted, they shall become ordinances and by-laws of the town; they shall cause an index to all ordinances or by-laws to be kept with the journal of their proceedings, which shall be subject to inspection by the public.

§ 7. The said board of trustees shall have power to pass by-laws and ordinances necessary to prevent obstructions, such as wagons, boxes, wood, coal or other things on the streets, or public square or passways of said town, and prescribe penalties for violating same. They shall have power to pass ordinances preventing filth, trash, litter or any other thing from being thrown upon the streets, public square or passways of said town, and prescribe penalties for violations of same. They shall have power to pass all ordinances necessary for the sanitary condition of said town, and necessary for the cleanliness of said town, and enforce said regulations by fine. They shall have power to abate all nuisances. They shall have power to condemn houses, out-houses, stables or other buildings that they deem dangerous, filthy or obnoxious to the public on account of their condition, and require the owners of same to remove same within a reasonable time, and prescribe penalties by fine, not exceeding five dollars per day the owner of said condemned house or building suffers same to remain after reasonable notice to move same.

§ 8. The board of trustees of said town, within the

limits of said town as herein defined, in addition to other powers herein granted, and in addition to the powers granted them by general laws, shall have power—

*First.* To levy and cause to be collected by the officer hereinafter designated, an annual per capita tax not exceeding two dollars (\$2) from each male person twenty-one years of age residing in the corporate limits of said town at the date of levying the tax, and an ad valorem tax not exceeding one dollar (\$1) on each one hundred dollars' worth of all property, real and personal, within the limits of said town, which, by existing laws, is subject to taxation for the purposes of State revenue, except lands used for farming purposes, and except articles manufactured in said town designed for export or shipment, and the raw material out of which such articles are manufactured, and the machinery used in their manufacture, and excepting the machinery and raw material of all factories and manufactories which are now erected or may be erected in said town.

*Second.* To appropriate money and provide for the payment of the expenses and debts of said town.

*Third.* To declare and define by ordinance what shall constitute a nuisance within the limits of said town, in addition to such acts as may constitute nuisances at common or statute law, and to provide by ordinance for abating or removing all such nuisances at the expense of the person or persons causing same, or at the expense of the person or persons upon whose lands same shall exist; and to prescribe penalties against persons causing or maintaining such nuisances, not, however, to exceed a fine of ten dollars for each offense, or in case of a continuing nuisance, not to exceed a fine of ten dollars for each day same is continued or maintained after notice to the owner, occupier or person causing or maintaining same to abate or remove it.

*Fourth.* To provide suitable water-works, by means

of springs, wells, cisterns or otherwise ; to erect hydrants, tanks and reservoirs in the streets, alleys, roads or lanes of said town, or beyond the limits thereof, for the convenience of the inhabitants thereof, and for the security of the property therein in cases of fire.

*Fifth.* To establish, erect, and keep in repair bridges, culverts, sewers, drains, and so forth, necessary for the comfort and well-being of said town, and to regulate the use thereof.

*Sixth.* To provide for the lighting of any or all the streets, roads, lanes or alleys of said town, including the public square.

*Seventh.* To provide for the erection of all needful public buildings in said town, and regulate the use of same.

*Eighth.* To appoint, support and regulate policemen, and regulate their duties and compensation.

*Ninth.* To levy a license tax on all auctioneers, peddlers, insurance agents, brokers, pawnbrokers, keepers of public halls, billiard and pool-rooms, and to affix penalties against engaging in any such business without paying the license tax levied.

*Tenth.* To license, tax, regulate and suppress theatrical and other exhibitions, shows and amusements, circuses, menageries and museums, and to prescribe penalties against all such things without the payment of such license tax, and to impose a license tax on any trade, business, profession or occupation engaged in or carried on in the limits of said town, and to prescribe penalties against those who engage in such without the payment of such license tax.

*Eleventh.* To suppress gaming, drunkenness, gambling-houses, bawdy-houses, houses of prostitution, and disorderly houses of every character whatsoever ; and to provide for the arrest and punishment of all common harlots found loitering within the limits of said town, or who may be guilty of any lewd or lascivious conduct within the limits of said town ; and

to provide for the punishment of any one who may rent, to be used for the purposes of prostitution, or who may suffer his, her or their property knowingly to be used for such purposes within the limits of said town.

*Twelfth.* To elect, appoint or employ such officers, agents or servants as may be necessary for the well-being of said town, and prescribe the duties, oaths and obligations of such officers, agents or servants, and to remove or discharge such officers, agents or servants.

*Thirteenth.* To fill all vacancies in any of the offices provided for in this act in such manner as they may provide by ordinance; unless otherwise provided herein.

*Fourteenth.* To pass such other penal ordinances, not herein provided for, as in their judgment the public good requires, and to prescribe penalties for the violation of same.

*Fifteenth.* To have full and complete power and control over all streets, alleys, lanes, roads, highways and public square within the limits of said town, and may, by ordinance, prevent any and all obstructions into and upon same, and prescribe penalties therefor.

*Sixteenth.* To order and compel the owner of any lot or parcel of land within the limits of said town, which binds upon and adjoins any street, alley, lane, avenue, public road or highway, or public square, to grade and construct at his own costs and expense such sidewalks, with suitable gutters and culverts, as the board of trustees, having in view the public good, may, in their discretion, require; and if any such owner shall fail, for the space of three months after the notice of the order therefor to make such sidewalks, culverts and gutters as the board may direct, or shall fail to begin same within the time aforesaid and complete it in a reasonable time after the expiration thereof, the board may order same to be done at the cost and expense of said town; and the cost and expenses thereof, including the costs of collection,

shall be, and the same are hereby declared to be, a lien on such lot or parcel of land in favor of said town, which lien may be enforced by suit in equity in the Knox Common Pleas Court; but no such suit shall be brought after the expiration of one year after the completion of such sidewalk, and so forth. The board shall not exercise the power granted by this subsection as against any property, the owner of which will not receive any benefit from such improvement, and when the making of such improvement will prove burdensome to the owner without increasing the value of the property; but in such cases, when the public good requires it, the board shall have same done at the expense of said town. The trustees shall not collect from any owner of any lot in said town over ten per cent. of the value of said lot for said sidewalk.

*Seventeenth.* To alter, abolish, widen, extend, grade, pave, gravel, macadamize, or otherwise improve, clean and keep in repair any or all of the streets, roads, alleys, lanes, highways and public square in the limits of said town as herein defined, and to lay out and cause to be opened such new and additional streets, alleys, avenues, lanes, highways and public grounds as the public good may require, in such manner as the board may, by ordinance, prescribe; and whenever it may become necessary to acquire any land for any of the purposes aforesaid, or for any other municipal purpose in said town, the board of trustees may, by order of record in their journal, direct any competent engineer or surveyor whom they may select to survey such land under the supervision of some member of the board, and to lay same off in the manner and for the purpose required by the board, and to report to it a fair map or plat of the land to be taken. If the owner shall refuse to donate same, and the board be unable to agree with the owner upon a fair price to be paid therefor, the said trustees, or a majority of them, shall then, with a competent

engineer or surveyor, view the route of the proposed street or alley, or the proposed alteration, and shall report in writing the proposed bounds of said street, alley or alteration, and the general courses and distances of same; they shall report the conveniences and inconveniences which shall result as well to individuals as to the public or town from the opening, widening or altering said street or alley. They shall report the names of the proprietors and tenants of the land over which a street or alley, or alteration in a street or alley, is proposed to run. Accompanying said report shall be a map or diagram of the street, alley or alteration proposed. Said trustees shall file said report with the county judge of Knox county, and it shall be treated and be an application for opening a street or alley, or altering same, and shall be entitled to the same legal consideration as the report of viewers appointed by said court; and no viewers shall be appointed by said court for the purpose of opening or altering any street or alley. Said trustees may amend said report at any time before final action thereon. Upon said report being filed with the county court, the court shall proceed in the same manner as under the general laws relating to condemnation of lands for roads and passways they now proceed upon the report of viewers, and may award a writ of *ad quod damnum*, to be tried in the same manner. Under the judgment rendered in any proceeding for opening or altering streets or alleys, said town shall be required to pay a just compensation to each land-owner for the land proposed to be taken, and the damage to the residue of the property beyond the peculiar benefits which will be derived from opening or altering said streets or alleys. Said town shall be required to pay the legal cost of said proceedings. A street or alley may be opened or widened through an orchard, building or yard upon making compensation to the owner for all damage sustained. But nothing in this charter shall be con-

strued to prevent the trustees of said town from opening or altering a street or alley, without application to the county court, by consent of all the lot-owners concerned.

*Eighteenth.* To fill the vacancy in the office of police judge and town marshal by appointment, in case of a vacancy therein by death, resignation or otherwise, until the next regular election; and in case of appointment, under this section, of a police judge for said town, said appointment shall be certified to the Secretary of State as herein provided.

*Nineteenth.* To appropriate money necessary to carry out any of the powers herein granted.

§ 9. Ordinances of a penal nature passed by the board of trustees, pursuant to the provisions of this act, shall be entered according to the dates and numbers on a book to be kept by the board to be styled "Penal Ordinances." The date of the passage of each ordinance must appear on the penal ordinance book, and each ordinance must be signed by the chairman of the board; after which the said penal ordinance book shall become a public record, and be received in evidence in all courts of this Commonwealth in the same manner and to the same extent that other public records are received, and same shall at all reasonable times be open to the inspection of the public.

§ 10. Said board of trustees shall make rules and regulations for its government, and shall prescribe penalties for violations of same, which penalties shall be enforced in the same manner that penal ordinances are enforced.

§ 11. All penal ordinances, regulations and other orders passed by the board of trustees, as provided in this act, which are not inconsistent with the laws and Constitution of this State and the United States, are hereby declared to be as valid and binding as if set out in full in this act; but the board may at any time



repeal any penal ordinance, rule or by-law by a two-thirds vote of all the trustees.

§ 12. The board of trustees shall annually elect a clerk of the board of trustees treasurer for said town, and assessor, and street overseer, and may at any time appoint street commissioner. The clerk of the board and treasurer shall be a trustee of the town at the time of appointment, and during their continuance in office. They may prescribe the duties for each of said officers in addition to the duties imposed upon them by this act. If, at any time, any of said officers shall become unnecessary, the board, for the time being, may abolish same, and order the duties thereof to be performed by some other officer. The board shall prescribe what salary, if any, such officers shall receive, and fix the time and manner of paying same, and shall take from each of them such bonds and obligations as the board may deem necessary to secure the faithful performance of their duties.

§ 13. An annual allowance, of not exceeding twelve dollars each, may be made by the board as salaries for the members of the board ; but if any fine stands against any member of the board under section nine of this act, said fine shall be deducted from any allowance made him under this section.

§ 14. The board of trustees may, for sufficient cause, exonerate persons required to pay poll-tax within the corporate limits from the payment thereof, in cases of poverty and old age.

§ 15. At the first election held for trustees under this act, there shall be elected a marshal for said town, who shall be a resident of said town and twenty-one years of age, and shall hold his office for and during the period one year after his election, and until his successor is elected and qualified. Before he enters upon the duties of his office he shall be sworn by the chairman of the board of trustees, and a note thereof made on their jour-<sup>Marshal.</sup>

nal. He shall take the same oaths and shall be liable to the same penalties for violations thereof that sheriffs by law are required to take. He shall execute bond to the Commonwealth of Kentucky, with good and sufficient surety, to be taken and approved by the board of trustees, conditioned that he will well and truly perform his duty as such marshal, and will account for and pay over to the person or party entitled thereto all moneys or property that may come to his hands by virtue of his office, at such times and in such manner as the law requires. His bond shall be recorded in the journal of the board of trustees, and the original shall be filed with the clerk of the Knox County Court, who shall carefully preserve same. Any person aggrieved by a breach of said bond may sue on same for such damage sustained in any court in the Commonwealth having jurisdiction of the amount claimed, in the name of the Commonwealth of Kentucky, for his use and benefit, but at his own costs. Said bond may be put in suit as often as there is a breach thereof. Said marshal shall promptly execute all orders, notices, precepts and processes that may issue or emanate from the board of trustees, and all processes of every kind that may issue from the Barbourville Police Court; and may take and approve all bonds that may be required of any one accused of a penal offense or contempt of court for his appearance in said court, except such as by law are required to be taken in open court by the judge thereof. He shall have and exercise all the powers of a constable; he shall be subject under his bond to the same liabilities on all process, and so forth, he receives from any other court, and is liable to the same penalties that sheriffs and constables in similar cases are liable to; he shall be the collector of all taxes levied and ordered to be collected by the board of trustees, except license taxes, and is hereby invested with all the powers in the collection of the taxes of said town that sheriffs have in.

the collection of the State revenue and county levy, and is hereby made liable to the same pains and penalties as are denounced by law against sheriffs for illegal levy or distraint for taxes, or any other failure to discharge his duty in relation thereto; he shall collect and pay over all taxes levied by the board of trustees, in such time and manner as the board may require, and shall be liable on his bond for any failure so to do; he shall be allowed by said board for collecting said taxes five per centum; his fees for other services under this act shall be the same as sheriffs in similar cases.

#### ARTICLE IV.

§ 1. It shall be the duty of the chairman of the board of trustees of said town, in addition to the other duties imposed upon him by this act, to see that all the laws and ordinances of said town are duly enforced by the proper officers; to report any and all failures of officers to discharge their duty to board of trustees. He shall approve all ordinances of a penal character, and shall see that same are correctly entered in the penal ordinance book, and shall sign same after entry therein, and do and perform such other duties as the board may prescribe for him. He shall have a vote in common with the other members of the board on all questions coming before it.

§ 2. The clerk of the board shall attend all the meetings of the board, and shall be the custodian of its records. He shall keep a correct record in the journal of the board of all proceedings had in relation to the affairs of said town, and shall issue all orders for the appropriation of money out of the treasury, and shall attest same as clerk of the board. In like manner he shall issue all orders, rules, notices, precepts and processes of every character ordered to be issued by the board, and shall attest them as clerk, which attestation shall be evidence in all cases wherein same may come in question. Before entering upon his duties he shall be

sworn by the chairman of the board to perform his duties according to law. He shall issue all license authorized by this act when so directed by the board, and shall do and perform any and all duties that may be required of him by any ordinance that may hereafter be adopted by the board. It shall be the duty of said clerk to make and deliver a certified copy of the assessor's book every year to the collector of taxes for said town, and take his receipt for same. within one month after the same shall be reported to and received by said board.

Treasurer.

§ 3. It shall be the duty of the treasurer to keep a true and faithful account of all moneys received and paid out by him, and he shall render an account of the same to the board of trustees whenever required by them to do so. He shall annually, ten days before the election of the board of trustees comes on, make a public statement of the financial condition of said town, and therein set forth the receipts and expenditures of said town for the last fiscal year, as well as its unpaid liabilities incurred. He shall keep a tabulated statement of all moneys received by him, showing when, from whom, and on what account same is paid into the treasury, and a like statement showing to whom and for what purpose paid out. He will pay out no money except on order of the board.

Assessor

§ 4. The assessor of said town, within thirty days after the first day of April in each year, shall take and return to the board of trustees a true and perfect list of all property, real, personal and mixed, within the limits of said town subject to taxation under the provisions of this act, and a true and perfect list of all persons liable to a per capita tax under this act, together with such census report and statistics as the board of trustees may direct. His assessment and valuation of property will be made as of the first day of April in each year. He is hereby vested with the same power to administer oaths, hear evidence, and fix valuations that county assessors have in mak

ing assessments for the purpose of State revenue. He shall report all who fail or refuse to give a list of their taxable property, or who fail to give any other list required of them to the board of trustees, which may proceed against such delinquent and recover of him such penalties as are denounced by statute against such as fail to give lists to county assessors, except that the proceedings against all such delinquents shall be in the police court of Barbourville herein-after provided for. The same rules as to costs shall prevail.

§ 5. In addition to the powers herein granted to the marshal of said town, he is given the same powers as the sheriff, under the general laws of the State, to make levies and attachments and garnishment for taxes, and his mode of procedure shall be the same as sheriffs; and in cases of the sales of land or town lots for taxes he shall make similar returns as sheriffs do in making sales of lands for taxes to the clerk of the Knox County Court, who shall proceed in the same way as in cases of sales of land for taxes by the sheriff.

§ 6. In all cases of the sale of town lots for taxes, the owner shall have two years to redeem same by paying the purchaser the amount paid by him and thirty per centum thereon; after that time the marshal will execute deed to the purchaser of said lot or lots, if same are not redeemed. The same laws of the State applicable to the sales of lands for taxes by the sheriff are made applicable to this act, and those acting under same and affected hereby.

§ 7. The board of trustees shall appoint annually three commissioners of tax, who shall be freeholders in said town, voters and discreet men, who shall be duly sworn by the chairman of the board before entering upon their duties. They shall have full power to alter, change and revise all assessments made by the assessor of said town, on good and sufficient cause

shown, and their decision shall be final. They shall meet on the first Monday in May of each year, and perform their duties under this act in three days. The tax-payers of the town shall have a right to appeal to said commissioners from any assessment made by the assessor. Said appeals shall be by motion before said commissioners made during their sittings aforesaid. Said commissioners, before increasing any tax payer's assessment, shall first notify said taxpayer of their intention to investigate or change the assessment made. Said commissioners are further authorized, and it shall be their duty, to assess any tax-payer of the town under this act who has failed or refused to give his list to the assessor. Said commissioners shall be paid two dollars per day each for their services out of the funds of the town.

#### ARTICLE V.

Police court.

§ 1. The judiciary power of said town shall be, and is hereby, vested in a court to be styled the "Barbourville Police Court," which shall be held by a judge to be styled "Judge of the Barbourville Police Court," who shall be elected by the qualified voters of said town at the first election under the provisions of this act, and shall hold his office for and during the term of two years, and until his successor is elected and qualified. No one who is not eligible as a member of the board of trustees shall be elected to hold the office of police judge.

§ 2. Said court shall be a court of record, and is hereby invested with all the powers that other courts of record in this Commonwealth have, which may be necessary to carry its processes, precepts, orders and judgments into effect, except that in cases of contempt, no greater punishment than a fine of five dollars and ten hours' imprisonment shall be imposed. Said court shall have all the civil and penal jurisdiction and powers of a court of justice of the peace, and shall be always open

for trial of prosecutions. The judge thereof shall be a conservator of the peace, and shall be clerk of his own court.

§ 3. The regular terms of said court shall begin on the second Monday in each month, and continue not longer than five days, except the months in which the Knox Circuit and Common Pleas Court is held, in which months no terms of the police court shall be held. Said court shall be held at the same place provided for holding of the circuit courts of the county, unless some other place is provided by the trustees.

§ 4. In all civil cases in which the amount in controversy is (\$50) fifty dollars or more, the proceedings in said court shall be in every respect the same as in the common pleas court, and in cases in which the amount is less than fifty dollars the proceedings shall be by warrant similar in all respects to warrants issued by judges of quarterly courts.

§ 5. Said court shall have exclusive jurisdiction over all violations of the penal ordinances of said town.

§ 6. All prosecutions in said court shall be returned for trial at the next regular term thereof, beginning not less than three days after the service of the warrant except as otherwise provided in this act. The judge of said court shall, at the time of issuing any process for the arrest of any one accused of a penal offense within the jurisdiction of the court, by indorsement on the process, fix a sum in which bail may be given; and the officer executing such process is hereby vested with the same power to take bail bonds in such cases as sheriffs have in cases of bench warrants from the circuit court. All bonds so taken shall be as valid and binding, and in cases of forfeiture shall take the same course in the said police court, that similar bonds take in the circuit court; but if the accused, when arrested, be unable to give bail, or refuse to do so, the officer making the arrest shall immediately, or as soon as practicable, take such accused

before the judge of said court, who shall proceed immediately to the trial of the charge, giving reasonable time to the accused and the Commonwealth to procure the attendance of witnesses ; and all trials so had, and judgments rendered thereon, shall be as valid for all purposes as if had at a regular term of said court.

§ 7. When from any cause the judge of said court is absent at any term of said court, or the office of said court is vacant and has not been filled by the board of trustees as provided in this act, or if he be present and can not properly preside or try any case pending in said court, or if any party to a cause, civil or penal, shall file his affidavit, stating that he does not believe the judge of the said court will afford him a fair and impartial trial, in all such cases a special judge, having the qualifications of a regular judge, shall be elected in the same manner that special judges in the circuit court are elected. The clerk of the board of trustees, or in case he is absent, the chairman, shall hold all elections for special judge as provided for in this section, and shall give the deciding vote in cases of a tie. In case there is no election, or the person or persons elected fail or refuse to act, this fact shall immediately be certified to the chairman of the board of trustees, who shall at once call a meeting of the board of trustees, which shall at once elect a special judge for the term or for the trial of such cases as the regular judge can not try, as the case may be. The special judge elected shall have all the powers of a regular judge during the time he acts as such.

Appeals from. § 8. Appeals may be taken from judgments by said court to any court to which they may be appealed, under the same restrictions and limitations as provided in the general law for appeals from magistrates or quarterly courts.

§ 9. When an execution, issued upon a judgment in a civil or penal cause, tried in said court, is returned by a proper officer, in whole or part, in substance no property found to satisfy same, the



judge of said court, on the application of plaintiff or his attorney in a civil action, and on application the chairman of the board of trustees or the attorney for the town in a penal cause, shall furnish a copy of the judgment, execution and return, which, on being filed in the office of the clerk of the Knox Common Pleas Court, shall be by him recorded in a book kept for recording such records from justices and quarterly courts, and thereupon the plaintiff shall have the same remedies for the amount of the judgment and costs, including the costs of recording said copy and costs certified therein, as if the judgment had been rendered in said common pleas court.

§ 10. All fines imposed in the police court for violation of ordinances of the town, and for contempt of court, shall be paid into the town treasury ; those for other violations shall be paid to trustee of the jury fund.

§ 11. Said police judge shall have no civil jurisdiction in civil cases involving the title to land, nor for the enforcement of any lien thereon.

§ 12. Said police court shall be furnished with all necessary record-books, such as are used and required by judges of quarterly courts, which books shall be paid for out of treasury of the town on the order of the board of trustees.

§ 13. In all actions for the recovery of money or property begun in said court, in which the amount in controversy is fifty dollars or more, exclusive of interest and costs, the police judge, before filing said action, shall collect a tax of fifty cents from plaintiff, which shall be paid by him to the treasurer of the town for the use and benefit of said town.

§ 14. The police judge shall be commissioned as such in the same manner as justices of the peace are commissioned, and shall execute bond as such as provided by general law. He shall enter upon the duties of his office as soon as he receives his commission and qualified as such.

§ 15. Said police judge shall have the same power to take and certify depositions, and to administer oaths generally, that county judges in this State have.

§ 16. He shall receive the same fees as other officers do in similar cases, and in all penal cases, in addition to the fees now allowed by law, he shall receive and collect from the party convicted a fee of one dollar for sitting in the case. He shall have the same remedies for, and proceed in the same way to, the collection of his fees as are allowed by law to other officers of this State in similar cases. For holding examining courts he shall have the same fees, to be paid in the same way, that county judges are allowed.

#### ARTICLE VI.

##### *General Provisions.*

§ 1. The county attorney of Knox county is hereby made the prosecuting attorney in said police court, and shall have the same fees that, by existing laws, he is entitled to receive in similar cases in other courts of said county, except in all cases committed within the limits of the town, where the fine is less than ten dollars, he shall have taxed as part of the costs an attorney's fee of two dollars and fifty cents, and twenty per centum of the fine when collected. He shall have no fees where he fails to attend and prosecute the action.

§ 2. The salaries of all officers and agents and employes of the town shall be fixed by the board of trustees, and paid at such times and in such manner as the board may direct.

Taxation.

§ 3. The laws in relation to adjudging costs and the taxing of same, and the laws in relation to collection of fees, as same are laid down in the Code of Practice and the general laws, shall govern the said police court and all officers mentioned in this act, except as otherwise herein provided.

§ 4. The marshal of said town shall be the chief

police officer thereof, and shall have the same power to summons any and all citizens of his county to his assistance that sheriffs in similar cases have. He shall at all reasonable times be on the public square or streets of said town, and shall arrest all persons found by him violating any of the laws or ordinances of said town, or any law of this State, without a warrant directing such arrest; but in all such cases he shall, as soon as is consistent with his other duties, take the offender before the police judge, who shall proceed as provided herein by allowing the offender to give bond for his appearance till the next term of the court; or if he fail or refuse to do so, to commit him to jail or to the custody of an officer, he paying expense of guard, and officer agreeing to take charge of him until such time as a trial can be reasonably had.

§ 5. The said police judge shall have the same power to require security to keep the peace or for good behavior as the circuit courts have, and in the trial of such cases, shall be governed by the Criminal Code of Practice.

§ 6. The provisions of the General Statutes and Codes of Practice of this Commonwealth shall govern the said police court, and all other officers mentioned in this act, in all cases and proceedings not otherwise directed in this act.

§ 7. All male citizens over the age of twenty-one years, who have been *bona fide* residents of said town as herein defined and limited, for six months next preceding the election, shall be allowed to vote at any election for the officers provided for by this act.

§ 8. All elections held under the provisions of this act shall be held by the chairman of the board of trustees as judge thereof, and the clerk of the board of trustees as clerk thereof, who shall issue certificates of election to those who receive the highest number of votes, which certificates shall entitle those holding same to exercise and discharge the duties of

the office named therein, except in the case of police judge, who shall forward his certificate of election to the Secretary of State; and thereupon the Governor shall issue a commission to said police judge, as in other cases of commissioned officers. In cases of vacancy in the office of police judge, the board of trustees shall appoint some one to fill out the unexpired term, and shall forward to the Secretary of State a certificate thereof, made out and signed by the chairman and clerk of the board; and thereupon the Governor shall issue a commission to the person so appointed to fill the unexpired term, in the same manner that other commissions of like kind are issued.

§ 9. In case the chairman and clerk, or both or either, of the board of trustees, is a candidate for any office at any election under this act, or for any cause either or both can not be present and act, the election may be held by such persons as the board of trustees may appoint for that purpose, with the same effect as if held by the chairman and clerk of the board, and they shall perform like duties incumbent on the chairman and clerk. The officers holding such elections shall be allowed two dollars each, to be paid on the order of the board out of the funds of the town.

§ 10. All acts or parts of acts in relation to said town are hereby repealed, except such acts and laws as relate to the sale of spirituous, vinous or malt liquors within said town, or within four miles of Union College therein.

§ 11. This act shall take effect and be in force from and after its passage.

Approved March 26, 1890.

## CHAPTER 432.

AN ACT to incorporate the Middlesborough Bank, Loan and Trust Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That a corporation is hereby established in the city of Middlesborough, to be styled the Middlesborough Banking, Loan and Trust Company ; and by that name shall have all the rights and privileges of a natural person ; and in that name may contract and be contracted with, may sue and be sued, answer and defend, in all courts of law and equity ; and may have and use a common seal, and alter and change the same at pleasure.

§ 2. The corporation created by the first section hereof shall be under the control and management of five directors, who shall be elected annually on the first Tuesday in March, and hold their offices for one year, or until their successors are elected. No person shall be elected a director who is not at the time of such election a stockholder in the corporation and a resident of the State. The directors shall annually elect one of their number president. They may receive subscriptions for as many shares of the stock of the company remaining unsold as they may at any time choose to sell ; declare dividends of the profits arising out of the business, and appoint such officers, agents and servants as they may deem necessary, fix their compensation, provide for the administering oaths and taking such oaths, and taking such bonds as they may deem necessary to secure a faithful discharge of their duties, and may, from time to time, make all necessary by-laws, rules and regulations, not inconsistent with the Constitution and laws of this Commonwealth or the Constitution and laws of the United States, for the government of the corporation

Duties of directors.

and the conduct of its business, and alter and amend the same at pleasure.

§ 3. That Fletcher Wilson, W. J. Lisle, J. A. Kelly, B. T. Conway, W. H. Litsy and John B. Carlisle are hereby appointed commissioners, and they, or any three or more of them, may receive subscriptions of stock and may fix the time and manner of paying the same, and prescribe in the subscriptions of stock what failure shall authorize a forfeiture of the stock subscribed for; and when not less than twenty-five thousand dollars shall have been paid in or secured to be paid on account of subscriptions in said capital stock, the said corporation may organize and proceed to business.

§ 4. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of one hundred dollars each. The capital stock may, by consent of the stockholders, be increased to as much as two hundred thousand dollars: *Provided*, That in the event of any increase of the capital stock of said company, fifty per cent. of any such increase shall be paid in cash before said increase shall be valid. The stock shall be personal estate, and transferable on the books of the corporation according to its by-laws.

§ 5. Said corporation is hereby empowered to receive, acquire and hold such real estate as may be deemed necessary by the directors for the transaction of its business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same: *Provided*, That all real estate acquired by said company by purchase, in satisfaction of any debt, judgment, order or decree, shall be disposed of within five years after such acquisition of title.

§ 6. The business of said corporation shall be, and it is hereby authorized and empowered, to buy and sell stock and bonds, and (to buy and sell real estate, and rent same, and to make and receive all proper conveyancy of and to said real estate); and to be

appointed, qualify and act as administrator of any estate, and as executor of any will, and guardian of any ward, and trustee of any trust.

§ 7. Said corporation is also authorized to receive moneys on deposit on such terms as may be agreed on with depositors, and may make loans on such security as may be determined on by said corporation.

§ 8. Said corporation may purchase or erect, at the option of its stockholders, a building containing a commodious and strong safety-vault, containing a number of small compartments or boxes, designed and adapted for renting to persons who desire to have a place of safe deposit for valuables; and said corporation is hereby empowered to rent out the boxes in such safety-vault to such persons, and for such rental as may be agreed on.

§ 9. Said corporation is hereby empowered to receive for safe-keeping any valuables that may be intrusted to it, receipting for the same by any of its officers designated by its by-laws to do so, and may guarantee such special deposits.

§ 10. The persons named in the third section of this act shall constitute the first board of directors of said corporation, and shall organize by choosing one of their number president; but if any of said persons shall fail to subscribe for stock, or pay in on account thereof as prescribed, or shall decline to serve, their place or places may be treated as vacant, and the vacancy or vacancies shall be filled by the other directors. Said directors shall serve until their successors are elected as provided in section two.

§ 11. This act shall take effect from its passage, and shall remain in force for thirty years.

Approved March 26, 1890.

## CHAPTER 433.

AN ACT to create a turnpike road district in the Verona magisterial district, of Boone county, Kentucky, and to provide funds for the purpose of building turnpike roads in said district.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Boundary. § 1. That there is hereby created in the Verona magisterial district, of Boone county, a turnpike road district, whose boundaries shall be co-existing with the boundaries of said magisterial district, subject only to such exceptions and limitations as may be hereinafter provided. The object and purpose of creating such district shall be to enable the residents and property-owners of said Verona district to authorize the levy and collection of a tax for turnpike road purposes in said district, and to apply the money so collected to the construction of such roads.

Object. § 2. There shall be elected by the duly-qualified voters of the said Verona district a board of turnpike commissioners at the election held in said district for the adoption by the people of said district of this act as is herein provided. This board shall consist of nine (9) members, whose qualifications shall be that they are each residents of said district and property-owners therein, and not less than twenty-five years of age. Each member of said board shall, before entering on the discharge of his duties, execute a bond in the sum of one thousand dollars, to be approved by the county court, for the faithful performance of his duties under this act. The board of commissioners, when elected and qualified as provided herein, shall be deemed and are hereby created a body-politic and corporate, with the right of succession; and shall have power to contract and be contracted with, to sue and be sued, and generally to do and perform all such acts and have all such powers as are needful to enable them to carry out the purpose for which they are

Turnpike commissioners.



created. The board shall have power to select from among their number a president, secretary and treasurer, who shall hold office for two years, unless sooner removed by a two-third majority thereof. They shall also have power to select from their number, or from the voters of said district, a collector, whose term of office shall be for one year, unless sooner removed by a majority vote of said board.

§ 3. The board elected shall hold office for a term <sup>Term.</sup> of six years, except one-third of the first board, who shall only hold office for two years, and one-third for four years from date of the election of said board and the adoption of this act by the people. Then there shall be an election held every two years thereafter, at the same time of the election for the adoption of this act, to fill the places of those members whose term of office has expired or become vacant from any other cause. The board elected at the time of the adoption of this act shall determine by lot who shall serve for two years and who shall serve for four years and who shall serve for six years.

§ 4. A tax at the rate of one dollar on the one hun- <sup>Rate of taxation.</sup> dred dollars' worth of property, real or personal, is hereby levied on all the property of said district, and a poll-tax of one dollar imposed on each voter therein, to be collectable between the first of May and the first of September in each year after the adoption of this act by a collector as herein provided for, who shall be vested with the same power to collect this tax that the sheriff has to collect other taxes in Boone county. The board shall have power to fix the compensation of said officer, and he shall give a good and sufficient bond to the board for the faithful performance of his duties. It shall be the duty of said collector to pay over said tax when collected to the said board of turnpike commissioners for the purpose of this act. He shall collect the tax herein named on all the property included within the said Verona magisterial district, as shown by the assessor's books for said county in such years.

**Duties of officers.** § 5. The president of said board shall preside over all meetings of said board, and sign all drafts on the treasurer. The secretary shall keep a full and complete and written record of all the proceedings of said board. The treasurer shall take and hold all moneys belonging to said turnpike road district, and shall pay them out upon the written order of the board of commissioners. He shall execute to said board a good and sufficient bond for the faithful performance of his duties.

**Duty of judge.** § 6. It shall be the duty of the county judge of Boone county to notify the voters of said district that an election will be held in said district, as provided in the succeeding section, and to appoint the officers to hold the same, and, with the county clerk and sheriff, count the vote and declare the result thereof, and, in general, to perform all such duties under this act as are required of them in cases that pertain to elections in magisterial districts in said county under existing laws.

**Election.** § 7. There shall be an election ordered and held under this act on the second Saturday in March, one thousand eight hundred and ninety, in said Verona district, and each voter shall be asked if he is in favor of a tax of one per centum, or at the rate of one dollar to the one hundred dollars on property, and a poll-tax of one dollar on each voter in said district; and if a majority thereof answer affirmatively, then that fact shall be certified to by the aforesaid county officers, and placed on record in the county clerk's office in Boone county, and this law shall, from and after that date, be in full force and effect. Each voter shall also be asked for whom he votes for commissioners, if this act should become a law, each voter being allowed to vote for the entire board.

§ 8. This act to be in force from its passage.

Approved March 26, 1890.

## CHAPTER 434.

AN ACT to authorize the board of trustees of London, Kentucky, to issue bonds to raise money to macadamize the streets, and to provide street lamps for said town.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the board of trustees of the town of London, Kentucky, a majority of the board being present and concurring, may cause the bonds of said town, not to exceed in the aggregate five thousand dollars (\$5,000), to be executed in printed form, signed by the police judge of said town, and countersigned by the chairman of the board of trustees of said town, payable at the First National Bank of London, Kentucky, with annual interest coupons at a rate not to exceed six per centum per annum ; and each coupon thereto attached shall be signed by the chairman of the board of trustees of the town aforesaid.

§ 2. The bonds to be issued by authority of this act shall be sold at par, and the proceeds thereof shall be used in macadamizing the streets and in furnishing street lamps for said town.

§ 3. The interest, and at least one-fifth of the principal, shall be paid annually, and for that purpose the board of trustees shall annually levy an ad valorem tax, not exceeding one dollar on each one hundred dollars' worth of taxable property inside of the corporate limits of said town, and a per capita tax on each male person twenty-one years old, or over, residing in said corporate limits, until the said bonds, with all accrued interest, shall have been paid and the bonds redeemed.

§ 4. This act shall take effect from and after its passage.

Approved March 26, 1890.

## CHAPTER 435.

AN ACT to incorporate the Farmers and Labors' Union of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That W. R. Browder, R. E. Robinson, S. B. Pryor, and their associates and successors, be, and they are hereby, created a body-politic and corporate, to be known by the name of the "Farmers and Labors' Union of Kentucky ;" and by said name shall have perpetual succession, and be capable in law to contract and be contracted with, sue and be sued, plead and being impleaded, and of purchasing, leasing, holding, granting and of receiving in its corporate name real, personal and mixed property, not exceeding twenty thousand dollars in value, and of organizing a State "Farmers and Labors' Union," and may issue charters to and organize county and subordinate unions, and may receive members and discharge them under such regulation and laws as the corporation may enact, not in conflict with the laws of this State or of the United States.

§ 2. The said corporation shall have a common seal, which it may change at pleasure ; or if it have none, the signature of duly authorized officers shall be legal and binding.

§ 3. The object of this organization shall be to educate, elevate, improve and protect agriculture and labor in this State.

§ 4. This organization shall provide for holding annual meetings at such time and place as a majority of its voting members may select ; but the first meeting under this act may be held at such time and place as the directors may order. Said organization shall be under the control of three directors, who shall be members in good standing of said organization ; and said directors shall be elected annually at their regular meeting, who shall have the power to take bonds

from such officers as the by-laws may prescribe for the faithful performance of their duties; and said bonds shall be binding, and may be enforced by a suit in the name of this organization in any court having jurisdiction in this Commonwealth.

§ 5. The said corporation shall provide for the election of such officers as it may deem necessary to transact the business of the corporation, and to further its objects, who shall hold their office until their successors are duly elected, qualified and installed into office.

§ 6. The private property of the members and incorporators shall be exempt from the debts of the corporation.

§ 7. This act shall take effect from and after its passage.

Approved March 26, 1890.

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## CHAPTER 436.

AN ACT to incorporate the Union Trust Company, of Maysville, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Walter Matthews, M. C. Russell, Thomas Wells, Dr. John A. Read, S. N. Meyer, D. C. Frazee, Thomas A. Keith, John W. Bramel, W. R. Newell, James N. Kehoe and W. W. Ball, and all other persons who shall hereafter become stockholders in the company hereby incorporated, shall be a body-corporate, by the name of the Union Trust Company, of Maysville, Kentucky; and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, and have and exercise all the powers hereinafter given; and may have and use a common seal, and alter the same at pleasure.

§ 2. The capital stock of said corporation shall consist of five hundred shares of the par value of one hundred dollars each, and said capital stock may be increased at a meeting of the stockholders (those holding two-thirds of the capital stock assenting thereto) to any sum not exceeding two hundred thousand dollars. In case of such increase of the capital stock, the stockholders, at the time of such increase, shall be entitled to a pro rata share of such increase upon the payment of the price fixed by the board of directors.

§ 3. Each person subscribing for any share or shares of stock in said company shall pay for each share so subscribed the sum of one hundred dollars (\$100), and said company shall not organize as herein provided until at least two hundred and fifty shares of the capital stock shall have been subscribed for; and said company shall not commence the transaction of business until at least the sum of twenty-five thousand dollars (\$25,000) shall have been paid up on the aforesaid subscription of stock.

§ 4. The corporators, or a majority of them, named in the first section of this act, are hereby authorized to open books for the subscription to the stock of the company hereby incorporated; and when not less than two hundred and fifty shares in said company shall have been subscribed for, they may call a meeting of the stockholders so subscribing, to be held in the city of Maysville, for the purpose of organizing said company.

§ 5. At the meeting called pursuant to section four of this act, and at all subsequent meetings of the stockholders of the company hereby incorporated, each share-holder shall be entitled to one vote for each share of stock held by him; and such vote may be cast by said share-holder or by his proxy appointed by writing. At all meetings of share-holders, a quorum shall consist of share-holders present, in

person or by proxy, owning at least one-half of the capital stock.

§ 6. At the meeting called pursuant to section four of this act, the stockholders shall elect from their number a board of five directors, each of whom shall be residents of this State, and owner of not less than ten shares of stock in said company; which board shall manage the business of the company, and in so doing may exercise all the rights and privileges herein conferred upon said company. The directors shall be elected annually by the stockholders, at a meeting (after the first) to be held on the second Monday in January. The first directors elected shall hold their office until the second Monday in January next after their election, and until their successors shall be elected and enter upon the discharge of their duties. Directors subsequently elected shall hold their office for one year, and until their successors shall be elected and entered upon the discharge of their duties. Vacancies in the board of directors shall be filled by the board until the next regular meeting of the stockholders.

Elect board of directors.

Annual election of directors.

Vacancies.

§ 7. The principal office of said company shall be in the city of Maysville, Kentucky, and all meetings of stockholders and directors shall be held in said city.

Principal office.

§ 8. The directors shall elect from their number at their first meeting, and at each annual meeting thereafter, a president and vice-president; and the board of directors may appoint a secretary and a treasurer, and such other officers, agents, clerks and employes as the business of the company may require, and prescribe their duties and compensation; and shall take bond of them in such sum as they may fix, conditioned for the faithful discharge of their duties. Any two or more offices of the company may be held by the same person.

Elect president and appoint other officers.

§ 9. Said company shall not purchase or hold real estate, except that it may own or lease any building which is occupied in whole or in part by its offices and

Real estate.

vaults, and may acquire real estate in satisfaction of any debt due it; but any real estate so acquired for debt must be sold within five years from the date of its purchase.

Capital stock.

§ 10. The capital stock and surplus of the company, except so much as may be invested in real estate as provided for in section nine, and so much as may be needed to conduct the business of the company, shall be kept invested in safe stocks or bonds or notes, secured by good personal security or by lien on real estate; and it shall be the duty of the company, on the first day of the first term of the Mason Circuit Court in each year, and oftener if required by the court, to file in said court a detailed statement of such investment, verified by the oath or affirmation of its proper officers. The funds so invested shall be primarily liable for the obligations of said company as executor, administrator, guardian, committee, receiver, assignee, trustee or other fiduciary capacity, and shall not be liable for any other debt or obligation of said company until its fiduciary obligations shall have been satisfied.

Capital stock as security.

§ 11. The capital and property of said company shall be taken and considered by law as the only security required for the faithful performance of its duties, and no other security shall be taken upon its appointment to any of the offices or duties mentioned herein, except when specially required by the courts or the parties in interest.

May act as guardian, etc.

§ 12. Said company may be appointed, and may act as guardian, executor, administrator, committee of persons of unsound mind, receiver, assignee, trustee, commissioner or other fiduciary office or relation; and such appointment may be by deed or will, or by any court having jurisdiction to make such appointment, or in any other manner not inconsistent with law. It may receive and hold in trust estate, real and personal, including the notes, bonds, obligations and accounts of estates, individuals or corporations, public



or private, and may in its fiduciary capacity purchase, collect, adjust, settle, sell or dispose of the same in this State or elsewhere. It may act as agent or attorney in the sale, leasing, conveying and managing real or personal estate, receiving and collecting rents and other money, in the issuing and countersigning certificates of stock, bonds or other obligations of any corporation, association, municipality, State or public authority; may receive and manage any sinking fund therefor, and may accept and execute all such trusts of every description, not inconsistent with law, as may be committed to it by any person or persons, or by any corporation or court of this or any other State or county.

§ 13. Any court of this State, having jurisdiction to Courts. make or approve any of the appointments herein provided for, shall have power, before making or approving the same, and from time to time afterwards, to examine the officers of said company under oath or affirmation concerning the condition of the company, and to appoint a suitable person to investigate the affairs and management of said company, and to report to the court the manner in which its investments are made, and the security offered to those by or for whom its engagements are held. The expense of such investigation shall be paid by the company.

§ 14. In the exercise by said company of the powers herein authorized as guardian, executor, administrator, trustee or other office or duty imposed by a court, said company shall be subject to the same duties and responsibilities, shall have the same powers and receive the same compensation, as individuals Penalties and responsibilities. holding similar offices and trusts.

§ 15. Said company may purchase, erect or lease Safety vault. a safety vault, containing compartments or boxes adapted for renting to persons as a place of safe deposit for valuables, and may rent the same upon such terms as may be agreed upon by it and the persons renting them.

Receive valua-  
bles.      § 16. Said company may receive for safe-keeping such valuables as may be intrusted to it, receipting therefor by its proper officer.

Dividends.      § 17. Said company may from time to time declare dividends from its net earnings ; but, before doing so, it shall set apart at least ten per cent. of said net earnings as a surplus fund, and shall continue so to do until said fund shall be equal to twenty per cent. of its capital stock.

May make by-  
laws.      § 18. The board of directors shall make such by-laws, not inconsistent with law nor with this charter, as may be necessary or convenient for the exercise of the powers herein granted ; but such by-laws may be altered or repealed by the stockholders at a regular annual meeting, or at a meeting called for that purpose.

§ 19. Nothing herein shall be construed to authorize said company to do a banking business.

§ 20. The private property of stockholders shall be exempt from corporate debts.

§ 21. This act shall take effect and be in force from its passage.

Approved March 26, 1890.

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## CHAPTER 437.

AN ACT to incorporate the Washington Lodge number seventy-nine, F. and A. M., at North Middletown, Bourbon county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That John I. Fisher, Frank Fithian, E. K. Thomas and E. P. Bean, Junior, and their associates and successors, be, and are hereby, created a body-corporate, by the name and style of the Washington Lodge number seventy-nine, F. and A. M., with the same rights to contract and be contracted with, sue and be sued, that natural persons have ; they may

make by-laws and regulations for their government, provided the same be not in conflict with the Constitution or laws of this State or of the United States ; and have and alter at pleasure a common seal. They shall have all the rights and privileges generally pertaining to such incorporated Masonic lodges in this State, including the right and power to acquire and hold real estate not exceeding five thousand dollars in value, and to sell and convey any real estate they may own or acquire, more particularly that which now belongs to them located in North Middletown, Bourbon county, Kentucky, their interest in which was acquired by virtue of the provisions of a deed from John D. Hearne to S. T. Dobyns, of record in deed-book number fifty-four, page two hundred and seventy-eight, of the Bourbon county clerk's office. Their deeds of conveyance shall be authenticated by the official signature of the highest Masonic officer of said lodge, and their seal, if they have one.

§ 2. The General Assembly reserves the right to alter, amend or repeal this charter at any time ; and this act takes effect from its passage.

Approved March 26, 1890.

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## CHAPTER 438.

AN ACT authorizing certain Kentucky corporations to consolidate with similar corporations authorized by other States to erect bridges across the Ohio river.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That any corporation created, or to be hereafter created, by this General Assembly, which is or may be authorized by its charter to build a bridge across the Ohio river, connecting any city or town in this State with any city, town or place on the north side of the river, may consolidate with any corporation created

by or under authority of any State lying north of the Ohio river, for the purpose of building a bridge between the two points between which the corporation created by this General Assembly has authority to erect a bridge. Such consolidation shall be by deed executed by the two corporations, approved or ratified by a majority of the directors of each company ; and may be on such terms as may be mutually agreed on in said deed : *Provided, however,* That this act shall not be construed to authorize the consolidation of companies authorized to build any bridge except between the same points, nor to any bridge company created by this General Assembly which has already completed its bridges.

§ 2. This act shall take effect from its passage.

Approved March 26, 1890.

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#### CHAPTER 439.

AN ACT to amend an act, entitled "An act to incorporate the Versailles and Shryock's Ferry Turnpike Road Company," approved February the fourteenth, one thousand eight hundred and fifty.

WHEREAS, The road-bed of the Versailles and Shryock's Ferry Turnpike Road Company, as originally located under its charter, has been at or near its terminus at Shryock's Ferry on the Kentucky river, in Woodford county, Kentucky, undermined, worn off and rendered unfit for travel by the continual encroachments of the water in the river, and a change thereof is absolutely necessary ; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the said Versailles and Shryock's Ferry Turnpike Road Company is hereby authorized and empowered to re-locate, establish, construct and maintain its road at or near its terminus at said ferry, so

as to approach and reach said river at any point on said river between the mouth of Grier's creek, where it empties into said river, and the point on said river bank where the present landing for said ferry is on the Woodford county side; and shall build and maintain its said turnpike road where so re-located to a point on said river bank at said ferry on a level with the point on said river bank at said ferry to which it originally located its said road, and from which it has heretofore kept it in repair.

§ 2. This act is to take effect and be in force from and after its passage.

Approved March 26, 1890.

#### CHAPTER 440.

AN ACT to amend the charter of the Owensboro Safety Vault and Trust Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to incorporate the Owensboro Safety Vault and Trust Company," approved May fifteenth, one thousand eight hundred and eighty-six, be, and the same is hereby, amended as follows: By a vote of a majority in value of the stockholders, the capital stock may be increased from time to time to any amount not exceeding five hundred thousand dollars. The corporation shall have a lien on stock for any amount that may be due thereon. When fifty thousand dollars shall have been subscribed, and twenty-five thousand paid up, the stockholders shall meet at a time and place, due notice of which has been given, and shall elect from their number a board of directors, to consist of not less than six nor more than nine, whose respective terms of service and manner of election shall be regulated by the by-laws: *Provided*, Fifty per cent. of all the stock sub-

Increase of capital stock.

scribed for shall be paid in before the company commences business: *Provided further*, The entire stock subscribed for shall be paid in full within twelve months after the date of the commencement of business by the company: *And it is further provided*, That should the board of directors, at any time, increase the capital stock as provided in section one, at least fifty per cent. of said additional stock shall be paid in at the time the subscription is made, and the remainder within twelve months from that date: *And it is further provided*, That in the event the stock is not paid in full at the expiration of twelve months from the date of commencement of business by the company, or within twelve months from the date of subscription of increased stock; then the capital of said company shall be reduced to the amount of stock paid in full.

§ 2. Promissory notes and bills of exchange or drafts made negotiable and payable at the office of the Owensboro Safety Vault and Trust Company, or at the office of any other company or banking-house organized under the laws of this State or of the United States, and discounted by said corporation, shall be, and are hereby, placed on the footing of foreign bills of exchange, and like remedy may be had thereon, jointly or severally, against makers, guarantors, assignors, drawers, acceptors and indorsers.

Investments.

§ 3. One-half of the capital stock paid in shall be invested in real estate or safe interest-bearing securities, bank stocks, State, county, government or municipal bonds, at such rates of interest as they promise to pay, not inconsistent with the laws of this Commonwealth, and from time to time, when deemed advisable by the board of directors, may be reinvested, and shall be kept separate and apart from other investments, and be designated on the books of the company as "Investments of Trust Capital;" and it shall be the duty of the company, through the officer or officers designated by the board of directors, to

make a detailed statement, on such day as may be prescribed by the by-laws, to such court or courts as may have committed any trust or trusts to said company, of all such investments, together with a statement, as near as practicable, of the value of the estate and property so committed by said court to said company, which statement shall be verified by oath. Said trust capital shall be specially and primarily liable for the obligations of the said company as executor, administrator, guardian, committee, receiver, assignee or trustee, or in any other capacity, and shall not be liable for any other debt or obligation of the company until its obligation in regard to its trusts shall have been first duly met and discharged. The residue of the capital stock and other money in the hands of the company may be used, loaned or invested in such manner as may be determined by the board of directors. The books of the corporation, showing accounts of the transactions in the trusts committed to its care, shall be open to the inspection of courts committing said trusts, and to parties in interest, at such times as the courts may direct.

§ 4. The capital stock of the said corporation shall be taken and considered as the only security required by law for the faithful performance of its duties, and other security shall not be required upon its appointment to any of the offices or duties mentioned herein, except where required by the courts or by the parties in interest; nor shall security be required of said corporation, other than that of its capital stock, on any bond or bonds required or necessary to be executed by said corporation as executor, administrator, guardian, committee, receiver or trustee, or in any bond required or necessary to be executed by said corporation as guardian or committee in proceedings to sell the real property of persons under disability, as provided by the Civil Code of Practice, title ten, chapter fourteen.

§ 5. *Provided*, Said company shall not hold or own any real estate conveyed to it as security for or in payment of any judgment, decree or debt, for a longer period than five years, except and as may be necessary for the transaction of its business.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 26, 1890.

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## CHAPTER 441.

AN ACT to amend an act to revise and amend the charter of the city of Bowling Green, approved January second, one thousand eight hundred and eighty-two.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act to revise and amend the charter of the city of Bowling Green, approved January second one thousand eight hundred and eighty-two, be, and it is hereby, amended as hereinafter provided.

### *Boundaries.*

Corporate limits. The corporate limits of said city are hereby extended so as to include all persons residing in and all property situated in the following boundaries: Beginning on Barren river, about six hundred yards below the present beginning corner of the city of Bowling Green, at a planted stone on the bank of said river near the bend in the macadamized road which runs in front of J. A. Robinson's farm; thence with the southern or city side of said road in a westerly course, and in the direction of the Double Springs Landing, to a planted stone near the property of John Vogel, and where said road makes a short turn to the left; thence at almost right-angles and in a straight line to a planted stone near the residence of Gilbert Graham, one of the present boundary corners of said



city ; thence in a straight line in a southerly direction to a planted stone on the Louisville and Nashville Railroad, two hundred yards south-west of the Hadley turnpike road crossing ; thence in a straight line, passing over a planted stone in the Russellville Turnpike to a planted stone in the Louisville and Nashville Turnpike, three hundred yards south-west of the most northerly corner of Hon. D. W. Wright's farm ; thence in a straight line to a planted stone in the Garrison road opposite the corner of DuBose and Williams ; thence with the north-western side of said Garrison road to a planted stone in the Row's Mill Turnpike near Chapman's corner ; thence in a straight line to a planted stone in the line of the Lehman farm near the most easterly corner of the Warren county fair ground ; thence in an easterly direction, and with the dividing line between the Lehman and Covington farms, and thereafter with the dividing line between the Ogden and Covington farms to a planted stone in said line opposite the most westerly corner of the Fairview cemetery ; thence in a straight line to a planted stone at the most westerly corner of Fairview cemetery ; thence with the line of said cemetery to the lane between said cemetery and the farm of J. W. Barclay ; thence with said lane and thereafter in a straight line to a planted stone on Barren river, just above and enclosing the residence of Robert Strange, a present boundary corner ; thence with the meanderings of Barren river to the beginning.

§ 2. And all the territory embraced and included in <sup>City.</sup> the above boundaries, and all the inhabitants thereof, shall for all purposes be subject to the laws, ordinances, rules and regulations of the city of Bowling Green that are now in force or that may hereafter be adopted.

§ 3. The city shall have police jurisdiction outside <sup>Police jurisdiction.</sup> of the corporate limits for one mile all around from said boundaries, and no spirituous, vinous or malt liquors shall be sold within said boundaries, or within

the distance of one mile of the corporate limits of said city, without license from the board of councilmen of said city ; but no license fee shall be required by the city from any person whose place of business is outside the city limits.

### *Wards.*

Wards.

§ 4. The city of Bowling Green is hereby divided into four wards, defined and bounded as follows :

The first ward shall consist of all the territory of said city lying between State street and the eastern and south-eastern boundaries of the city.

The second ward shall consist of all the territory of said city lying between State street and Green street.

The third ward shall consist of all the territory of said city lying between Green street and the main line of the Louisville and Nashville Railroad.

The fourth ward shall consist of all the territory of said city not included in the boundaries of the first, second and third wards.

The Louisville and Nashville Turnpike shall be a continuation of State street from the south-western side of College Hill ; and the Russellville Turnpike shall be a continuation of Green street from the intersection of Green and Hill streets.

The boundary lines of said wards shall begin at Barren river and run with center of said streets and railroad to the corporate limits on the southern portion of said city.

### *Board of Councilmen.*

Board of councilmen.

§ 5. There shall be, as now provided by law, four councilmen elected from each ward, provided that nothing herein shall be construed as affecting the terms of office of the members of the present board of councilmen. On the first Saturday in December, one thousand eight hundred and ninety, there shall be elected by the voters of the first, second and third wards, two councilmen from each of said wards as

bounded and defined herein, who shall serve for a term of two years; and on the same day there shall be elected by the voters of the fourth ward four councilmen from said ward; and the board of councilmen, which shall assemble and be sworn in on the first Monday in January, one thousand eight hundred and ninety-one, shall, by resolution or lot, determine which of the four councilmen elected from the fourth ward shall serve for one year, and which for two years from said date. On the first Saturday in December, one thousand eight hundred and ninety-one, and every year thereafter, there shall be elected two councilmen from each of said wards, who shall serve for a term of two years. All councilmen elected subsequent to the passage of this act shall be chosen from the wards as defined and bounded herein. The terms of office of all councilmen shall begin and end as now provided by law, except as specifically changed herein; and no person shall be eligible to the office of councilman who does not possess the qualifications now required by law.

§ 6. The board of councilmen shall have like power with the county courts of this Commonwealth to enforce, by subpoena and attachment, the attendance of witnesses to testify before it or any of its committees touching any matter coming legally before it for consideration or judgment. All writs shall be signed by the city clerk, and may be executed by any peace officer of the county or city.

§ 7. The board of councilmen shall have power, by ordinance, to close from public use that portion of the Russellville road running from Summer street to that point where said road intersects Green street in said city.

#### *Revenue and Taxation.*

§ 8. The board of councilmen shall have the power each year to levy, assess and collect an ad valorem tax on all property, real, personal and mixed, located, employed or controlled in said city; but such taxation

shall be uniform on each description of property assessed, and shall not exceed one dollar on each one hundred dollars of the assessed value of said property, which shall be in full of all taxes thereon, except taxes for school purposes, licenses, and for street assessments ; and said board shall also have power to levy, assess and collect a poll-tax of not exceeding four dollars on each male inhabitant of said city over twenty-one years of age. All property and polls shall be listed for taxation as of the tenth day of January of each year.

Lien for taxes.

§ 9. Said city shall have a lien on all property assessed for taxation, and on all other property of each person from the tenth of January in each year, until the taxes due by such person are paid, which shall not be defeated by gift, devise, sale, alienation, or any means whatever, and shall be superior to all other liens on said property, except liens for State and county taxes : *Provided*, That the lien herein provided for shall not exist longer than five years.

Title.

§ 10. The holder of the legal title, and the holder of the equitable title, and the bailee or claimant in possession of property on the tenth of January, shall be liable for the tax on it to the city ; but as between themselves it shall be the duty of the holder of the equitable title to list the property and pay the tax thereon, whether said property be in possession or not at the time of the payment.

§ 11. Lands and improvements thereon shall be valued for taxation without reference to any conflicting title.

Exemptions.

§ 12. The following property shall be exempt from taxation : All property of the State and county ; all property and funds belonging to churches, colleges and schools, the use, rents and profits of which are used or devoted solely to religious, charitable or educational purposes ; church parsonages, and the property of all corporations which, by law, are exempt from municipal taxation ; all lands used for agricultural or

horticultural purposes, and which are not laid off into lots, shall not be taxed: *Provided*, That such lands are not capable of being used as city property, and are not needed or demanded for that purpose, and do not possess a value based upon adaptation for the purposes of business or dwellings: *And provided further*, That all such property as is liable for taxation shall be listed and taxed by the acre.

§ 13. Owners or claimants of land who do not reside in the city shall furnish to the city clerk a written description of each lot or piece of property owned by them, and the failure to do so shall subject such owner or claimant to a penalty of not less than ten nor more than sixty dollars for each lot, and one dollar for each one hundred dollars of the value of the land, recoverable by action in the Bowling Green City Court. The term claimant in this section includes a husband in respect to the land of his wife, a guardian in respect to the land owned by his ward, an executor or administrator with the will annexed, curators and trustees in respect to the land which they, as such, have control of, those having a life interest, and agents having power to sell or rent. Non-resident owners.

§ 14. Proceedings may be had under this section from time to time, not exceeding twice in any one year, until the same shall be complied with; but a false or fraudulent descriptive list shall not bar or prevent a recovery.

§ 15. The city clerk shall carefully copy such descriptive list into a well-bound book, kept for that purpose, which shall be alphabetically arranged, and the city assessor shall use the information contained therein in making out the tax lists. Clerk to keep lists.

§ 16. The city attorney shall prosecute all cases arising under this section, and shall have one-half of the penalty, but not to exceed twenty dollars in any one case. City attorney prosecute.

§ 17. If any person shall willfully make a false False statements.

statement for the purpose of avoiding taxation, or for such purpose shall make temporary investments in securities exempt by law, or resort to any device whatever for the purpose of avoiding taxation, he shall be subject to the payment of three times the amount of the tax upon his estate. The proceedings to impose said penalty shall be in the Bowling Green City Court, which may proceed, after notice has been duly served, upon the information of the assessor, collector, or any person having knowledge of the facts. The offender shall be entitled to a trial by jury.

*Proceedings for Sale of Real Estate for Taxes.*

§ 18. On the first day of January in each year, after the assessment of city taxes, the tax collector shall make out tax-bills against all persons or corporations owing taxes on real estate, with a description and location of the property assessed, and upon which taxes are due, and the amounts thereof, which bills shall be certified by the city clerk as being true and correct lists; and he shall furnish said lists or bills to the city attorney, whose duty it shall be to bring without delay suits for the recovery thereof in the Warren Circuit Court.

§ 19. Said lists or bills, when certified by the city clerk, shall be *prima facie* evidence that the property was properly listed by the city assessor, that the ordinance levying the taxes was duly adopted, and that all the steps necessary to secure a lien on the property have been duly and properly taken, and that the person owing the taxes has no personal property in the city out of which said taxes could be made.

§ 20. In these suits the city shall, unless there be cause to the contrary, ask for and obtain a personal judgment against the person assessed, as well as the enforcement of the lien for taxes hereinbefore given. The action herein authorized shall, in all respects, be conducted like suits upon liens arising upon con-

tracts; and said court shall have jurisdiction of all amounts of twenty dollars and over, exclusive of interest. The sums due for taxes for earlier and later years shall be included in the petition and judgment. All taxes shall bear interest at the rate of eight per cent. per annum from the first of September of each year. When all the taxes due by the same owner, or set of joint owners, exclusive of interest, amount to less than twenty dollars, the city attorney shall combine them with other bills or sets of bills, also less than twenty dollars, having due regard to the nearness of location, in one action, so that the aggregate of the bills embraced in one suit may amount to fifty dollars or over.

§ 21. Whenever taxes due for a year preceding the assessment of one thousand eight hundred and ninety are included in an action brought pursuant to the next preceding section, are set up by pleading in any action, the material facts making them a lien on the property to be subjected shall be stated in the petition or other pleading, and the court shall render judgment according to the justice of the case; and this rule shall also prevail in all actions which may be brought exclusively for the taxes of such former years; and such actions are hereby authorized upon all past due taxes on real estate. Where a sale of the assessed property has been made, and a so called purchase thereof by the city, under sections eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen of article five of the act to which this act is an amendment, and at the time of the institution of the actions herein authorized, the time for redemption from such sales has not expired, no judgment shall be rendered for the enforcement of the tax liens for which such property has been sold as aforesaid, until the right to redeem therefrom has expired.

§ 22. The foregoing sections, from and including number eighteen to and including number twenty-one, shall be deemed and construed as a repeal of

sections eleven to seventeen, both inclusive, of the act of January second, one thousand eight hundred and eighty-two, to which this act is an amendment.

*Street Assessments.*

§ 23. The board of councilmen shall have power by ordinance to provide for the laying or relaying of curbing and sidewalks of a regulation width and description, and the widening, grading, paving or repairing of the sidewalks of said city at the cost of the lot-owners bordering thereon; and said ordinance shall prescribe the kind and description and extent of the work to be done.

§ 24. Upon the passage of an ordinance requiring any such work to be done, it shall be the duty of the mayor to let said work out by contract to the lowest bidder; but before doing so he shall advertise, by publication in one or more of the newspapers published in said city, the time and place when and where said letting shall be made, a description of the work to be done, and when to be completed. Said publication shall be made at least ten days before said work is let out. The work to be done in front of or bordering upon each piece of property owned by different persons, shall be separately let out, and the owners of the property or any other person or corporation. may make sealed bids.

§ 25. It shall be the duty of the mayor to take from the lowest bidder or bidders bonds, with good security, for the faithful performance of the work according to the specifications and in the time prescribed in the ordinance. Said bonds shall be taken to the city, and for any delay in executing the work the measure of damages shall be five per cent. of the amount bid for each day's delay from the time when said work was to have been completed; and the city, or any person sustaining any damages, may likewise recover damages on said bond for any improper execution of the contract. Said bonds and contracts shall be by



the mayor submitted to the board of councilmen for acceptance or rejection. If the board of councilmen shall approve and accept said contracts and bonds, the work shall be done under the supervision of the mayor and street inspector ; and it shall be the duty of the street inspector to make out and report to the board of councilmen complete and accurate estimates and apportionments of the cost of said work and improvements against the owners of property liable to pay the same, designating each one's respective liability.

§ 26. Whenever the board of councilmen shall have approved and accepted said contracts and bonds, a lien shall attach against the property fronting or bordering thereon, which lien shall be of equal grade and dignity with the liens hereinbefore given for taxes due the city, and shall be superior to any lien for unpaid purchase money, or any mortgage that may be on said property, and shall not be defeated by sale, gift, devise, alienation, or any means whatever: *Provided*, That no proceeding to enforce same shall be instituted until the completion of the work and its acceptance by the board of councilmen. Said claims shall bear interest at the rate of six per cent. per annum from the time the work is accepted by the board of councilmen, and shall be assignable so as to vest the title in the assignee.

*Proceedings to Enforce Payment for Street Assessments.*

§ 27. The liens given for the purpose named in the last preceding four sections may be enforced by filing a petition in the Warren Circuit Court, in the name of the city, for the use and benefit of the contractor, or his assignee, against any and all persons liable for the cost of said work, as shown by the report of apportionments of the street inspector. In all actions to enforce liens as authorized by this act, a copy of the ordinance authorizing the improvement or work, a copy of the contract therefor, and a copy of the ap-

portionment, and a copy of the order accepting the contract by the board of councilmen, and a copy of the order of the board accepting the work, each attested by the city clerk, shall be proof conclusive of the passage and publication of the ordinance, and of the due execution and approval of the contract, and shall be *prima facie* evidence of every other fact necessary to be established by the plaintiff in such actions to authorize a judgment for the relief authorized to be given in this act.

§ 28. It shall be lawful for said court to adjudge a sale of so much of the lot or lots of each person as will pay his or her part of the cost of said improvement, together with interest thereon, and the costs of the suit; and the court confirming the sale made under such judgment shall direct that the property may be redeemed at any time within one year from the day of sale, by the owner or owners of the lot or lots paying the amount for which the same may have been sold, and interest thereon at the rate of ten per cent. per annum, together with all taxes and levies made upon such property, which the purchaser may have paid or become liable for, subsequent to the sale thereof, and if not redeemed within the time specified, the sale shall be final, and the court shall cause a conveyance thereof to be made to the purchaser by a commissioner.

§ 29. The plaintiff may have a personal judgment against the defendant liable for the cost of the work, and have execution thereon; but if the execution issue, then no sale of the lot or lots shall be made by the commissioner until the execution shall be returned, and then for the satisfaction of such sums as shall appear to be unsatisfied by the return on the execution.

§ 30. It shall be the duty of the city attorney to institute the suits provided for and authorized herein, and where all the claims due by one owner, or set of joint owners, exclusive of interest, amount to less

than twenty dollars, the city attorney shall combine them with other claims or sets of claims, also less than twenty dollars, having due regard to the nearness of location of the property, so that the aggregate of the claims in one suit may amount to fifty dollars or more. The Warren Circuit Court shall have jurisdiction of all cases for the enforcement of liens for taxes and street assessments, and for the sale of real estate for taxes and for street assessments, as provided in this act, and such cases shall be tried and determined, and the same rules shall be applicable in the trial of such cases as in the proceedings for the sale of lands by holders of liens for unpaid purchase money, except as otherwise provided herein.

§ 31. The mayor shall have power and authority to notify owners of lots bordering on streets to make repairs on sidewalks bordering on their lots, in any case where the cost of such repairs of sidewalks shall not exceed fifteen dollars in front of or bordering upon any one owner's lot; and in case such owner shall not, within five days after he or she has received notice of such sidewalks being out of repair, cause said sidewalks to be repaired, the mayor is authorized to have same done at the cost of the owner, which repairs, if not paid by the owner, shall be paid for by the city, and shall be a lien on the lot for the payment thereof, and the city shall have the same remedies for the collection thereof, with costs of suit, that are given in the preceding sections for the cost of laying and improving sidewalks.

§ 32. Sections seven and eight of article seven of the act to which this is an amendment are hereby repealed.

*City Marshal.*

§ 33. So much of the charter of the city of Bowling Green as provides for the election and qualification of a city marshal is hereby repealed, and the duties of said office shall be performed by the chief

of police of said city: *Provided*, That this shall not affect the present city marshal during his present term of office.

*Actions Against the City.*

§ 34. No action shall be brought against the city upon any claim, either on a contract or for a tort, until the claim shall have been presented to the board of councilmen and been rejected by it: *Provided*, That if said board shall not settle or reject the claim within fifteen days from the time it is presented, an action may then be instituted thereon.

§ 35. No action shall be brought after six months shall have elapsed from the time the cause of action accrued.

*Courts to Take Judicial Notice.*

§ 36. All courts in the county of Warren shall take judicial notice of the passage, approval, contents and publication of each ordinance adopted by the board of councilmen of said city.

§ 37. No part of the act, approved January second, one thousand eight hundred and eighty-two, to which this is an amendment, or of any act amending the charter of the city of Bowling Green, passed since said date, shall be repealed by this act, except as expressly stated herein or is inconsistent herewith.

§ 38. This act shall take effect on and after its passage.

Approved March 26, 1890.

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CHAPTER 442.

AN ACT for the benefit of Monroe county.

WHEREAS, It appears that a few years ago the court-house of Monroe county was destroyed by fire, and all the reports of the Court of Appeals and Ses-

sion Acts of the General Assembly were destroyed by fire ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Secretary of State is hereby authorized and directed to furnish to the office of the county court clerk and to the office of the circuit court clerk of Monroe county a full set of the reports of the Court of Appeals: *Provided, however,* He is not authorized to furnish any report, the cost price of which may exceed five dollars per volume. The Session Acts of the General Assembly to be furnished out of any surplus number on hand.

§ 2. The Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer in favor of the Secretary of State for a sum sufficient to pay for the purchase of reports as herein provided.

§ 3. This act shall take effect from and after its passage.

Approved March 27, 1890.

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## CHAPTER 443.

AN ACT to amend an act, entitled "An act to incorporate the Henderson Trust Company," approved March thirteenth, one thousand eight hundred and eighty-six.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to incorporate the Henderson Trust Company," approved March thirteenth, one thousand eight hundred and eighty-six, be, and is, amended as follows: Section four of said act is amended by adding thereto these words: And said company may receive and hold in trust any estate, real or personal, including the notes, bonds or obligations, and accounts of estates, individuals or corporations, and may, in its fiducial capacity, pur-

chase, collect, adjust, settle, sell and dispose of the same in this State or elsewhere ; and it may be appointed public administrator by any county court of this State, and may act as agent the same as a natural person.

§ 2. That the capital stock of said company and its corporate property shall be taken and accepted as the only surety or security required by law on any bond necessary to be executed by said company in proceedings to sell the estate of persons under disability, as provided by the Civil Code of Practice and General Statutes, or other law, or upon any other bond required or necessary to be executed by said company as guardian or other fiduciary relation to which it may be appointed, or trust conferred upon, or accepted by said company, or upon any bond of indemnity or other bond that may be required in the course of any judicial proceeding, or in the prosecution of any remedy allowed by law to it, in any of its fiducial relations, unless additional security be required by the party interested.

§ 3. Section fourteen of said act is repealed, and in lieu thereof it is enacted that no stockholder of said company shall be liable for any debt of the company beyond his liability for unpaid subscription of stock.

§ 4. Said company may have a safety vault containing a number of small compartments or boxes, devised and adapted for renting to persons or corporations who desire to have a place of safety deposit for valuables ; and said company may rent out said compartments or boxes to such persons for such price and for such time as may be agreed upon ; and said company shall be liable only for good faith, fair dealings and reasonable diligence, unless otherwise stipulated by written contract.

§ 5. For purposes of taxation the said company and its property shall be classed and treated as one of the banks of this State, and shall be assessed in the same manner, subject to, and pay the same rate

of taxes, to the same parties, at the same time, in the same manner, and for the same purposes only, as may be required by law, from time to time, of banks doing business in this State.

§ 6. The said company may, in the prosecution of its business, buy and sell notes and loan money, and take such security as may be agreed upon; and any note executed to said company or made payable at any bank doing business in this State and purchased by said company, shall be placed on the footing of bills of exchange, and like remedy may be had thereon; and said company may make advances on and receive in pledge for money loaned on debts due it, securities of any kind, including goods, wares and merchandise, the agricultural, mechanical and other products of the country; and may sell the same on the non-payment of the debt according to such terms as may be agreed upon between the parties by written contract, entered into at the time of the creation of the debt.

§ 7. Said company is authorized to establish a savings department in connection with its other business, and carry on business in such department as a savings bank, and may receive on deposit any sum, and allow such interest thereon as may be agreed upon, not exceeding four per cent. per annum. The business of this department shall be kept separate and distinct from the other business of the company and in separate books.

§ 8. The books of said company shall be so kept as to show distinctly at all times the amount that has come to its hands as guardian for each ward, executor or administrator of each estate, or in whatever other fiducial capacity it may be acting, and, so far as is practicable, to show the condition of the estate of any ward or other trust in the hands of said company; and said books shall, at all reasonable times, be open to inspection of persons interested therein; and said company shall, whenever required by any court that

has committed a trust to its keeping, exhibit to such court a sworn statement of the condition of said company, showing its assets, liabilities and such other details as in the judgment of such court may be necessary to enable the court to judge of the condition of the company; and said company shall at any time submit to an examination of its books, accounts and condition by any person appointed by any court that has committed any trust to said company, and the reasonable cost of such examination and report shall be fixed by said court, and be paid by said company.

§ 9. This act shall be in force from and after its passage.

[Became a law March 25, 1890, without the approval of the Governor.]

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## CHAPTER 444.

AN ACT to incorporate St. Matthew's Evangelical Church, of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Charles F. Kircher, Matthew Luhr, Jacob Koch, Jacob Hartstern, Henry Schaefer and Charles H. Fust, and their successors in office, are hereby created a body-corporate and politic, under the name and style of St. Matthew's Evangelical Church, of Louisville, Kentucky, and under that name shall have perpetual succession; may sue and be sued, plead and be impleaded; may acquire and take property, real, personal and mixed, by purchase, gift or devise, and hold the same; may sell, lease, mortgage or otherwise dispose of all property acquired by it for the benefit of the church; may have a corporate seal, and change the same at pleasure; may make contracts and pass by-laws not inconsistent with the laws of this Commonwealth or of the United States.



§ 2. That the entire management of the affairs of said church are vested in the said trustees and their successors as such, to be from time to time chosen by the congregation; and they shall have power to fill vacancies, and to regulate the appointment and duties of officers.

§ 3. That said church shall not, at any time, contract an indebtedness of more than ten thousand dollars.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 27, 1890.

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#### CHAPTER 445.

AN ACT to amend an act to provide for keeping certain turnpike roads in repair in Shelby county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section one of an act, entitled "An act to provide for keeping certain turnpike roads in repair in Shelby county," approved April sixth, one thousand eight hundred and eighty-eight, be, and the same is hereby, amended by striking out all of said section after the word "district," in the thirty-third line thereof, and before the word "said," in the fortieth line thereof, and insert in lieu of the words so stricken out the following: "For each fifty acres, and each fraction over twenty-five acres, owned by the said party in said district, shall furnish a wagon and team, or plow and team of two horses, for one day, when ordered by the surveyor of said road; but said surveyor shall not require any person to furnish more than two teams on the same day: *Provided*, That for the excess over two hundred acres so owned by one person, said party shall furnish a team as aforesaid only for each one hundred acres; or said party may

pay said overseer the sum of two dollars in money in lieu of each said team for each day he is required to furnish same, to be applied to the work on and improvement of said turnpike road."

§ 2. This act to go into effect from and after its passage.

Approved March 27, 1890.

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## CHAPTER 446.

AN ACT to amend the charter of the Louisville Turnpike Company

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Louisville Turnpike Company, a majority of the stockholders thereof consenting thereto, shall have the right to sell and convey to the city of Louisville such part of its road as it now owns within the corporate limits of said city, and which may hereafter, by an extension or extensions of said limits, become and be included therein.

§ 2. That said company shall have the power and authority to reduce the capital stock of said company by retiring so much of the said stock as the board of directors of said company may deem advisable.

§ 3. This act shall take effect from and after its passage.

Approved March 27, 1890.

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## CHAPTER 447.

AN ACT authorizing the sale of the old court-house and grounds in Knott county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Knott county, a majority of the justices of said county concurring, is

hereby empowered to sell the grounds and buildings and appurtenances connected with the old court-house, together with said court-house, at such time, and on such terms and conditions, as they may deem best; and said court may appoint the necessary commissioner to make said sale, and to make deed for said property; and they shall take from said commissioner the proper bond for the faithful performance of his duty.

§ 2. That all moneys raised from such sale shall be applied to the payment of the indebtedness incurred by said county in the erection of a new court-house; and if a surplus shall remain, the same to be applied to the payment of the general indebtedness of said county.

§ 3. This act shall take effect from and after its passage.

Approved March 27, 1890.

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## CHAPTER 448.

AN ACT to amend an act, entitled "An act to regulate voting at primary elections, and to prevent fraud therein, for the benefit of Harrison, Bourbon, Campbell and Kenton counties," approved April nineteenth, one thousand eight hundred and eighty, and to apply the provisions thereof to Bracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the provisions of this act, entitled "An act to regulate voting at primary elections and prevent fraud therein, for the benefit of Harrison, Bourbon, Campbell and Kenton counties," approved April nineteenth, one thousand eight hundred and eighty, be, and they are hereby, applied to Bracken county.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 27, 1890.

## CHAPTER 450.

AN ACT to change the dividing line between the counties of Lewis and Mason.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the dividing line between Lewis and Mason counties be changed as follows: Beginning at a point where the line now crosses the Orangeburg and Tollsboro Turnpike Road; thence with said road east thirty-six rods and ten poles to a corner of the lands of Samuel Hull and S. D. Gardner; thence with their line north one hundred and ninety-six rods to a corner of the lands of Humphrie Marshall and S. D. Gardner; thence west with said Gardner's line twelve and three-fourth rods to its intersection with present line between said counties; and all lands lying west of above-named line shall hereafter be within the boundary of Mason county.

§ 2. This act shall take effect from and after its passage.

Approved March 27, 1890.

## CHAPTER 451.

AN ACT to prohibit hunting with guns upon inclosed lands in Barren county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That hereafter it shall be unlawful for any person or persons to hunt with guns, or to shoot upon any inclosed land within Barren county, whether the lands be posted or not, without permission of the owner or occupant of such lands; and any person or persons so hunting or shooting shall be liable to a fine of not less than five and not exceeding ten dollars for

each offense, and recoverable in the name of the Commonwealth.

§ 2. Actions for the violations of the provisions of this act shall be brought in the court of the justice of the peace in whose civil district the said lands or the larger part thereof lie, and actions for the recovery of penalties prescribed in this act shall be in the name of the Commonwealth, and shall be tried in the courts of the justice of the peace as actions for damages.

§ 3. This act shall take effect from and after its passage.

Approved March 27, 1890.

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## CHAPTER 455.

AN ACT to regulate the sale of spirituous, vinous and malt liquors within three miles of Friendship Church, in Knox county, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That from and after the passage of this act it shall be unlawful for any person to sell spirituous, vinous or malt liquors in less quantities than five gallons within three miles of Friendship Church, in Knox county, Kentucky. Any person violating this act shall be fined not less than fifty dollars nor more than one hundred dollars for each offense ; and this act shall be enforced by any justice of the peace or county judge, or the circuit court of said county, in the same way that like cases are now enforced by law.

§ 2. This act shall take effect from and after its passage.

Approved March 27, 1890.

## CHAPTER 456.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Lexington Hydraulic and Manufacturing Company,'" approved March twenty-second, one thousand eight hundred and ninety.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The sixth section of said act is amended by striking out the words "losses when," after the words "and in any and all," and inserting in lieu thereof the words "cases where."

§ 2. This act shall take effect from and after its passage.

Approved March 29, 1890.

## CHAPTER 457.

AN ACT to incorporate the Harrod's Run Turnpike Road Company, in Boyle county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That W. F. Davis, William Gentry, Robert Nave and W. B. Holmes, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of "The Harrod's Run Turnpike Road Company," and by said name and style shall have power to contract with, sue and be sued, plead and be impleaded, in all the courts of this Commonwealth.

§ 2. That said company is hereby authorized to build and construct a turnpike road from the mouth of the dirt road on the Danville and Harrodsburg Turnpike, just south of Mr. P. T. Gentry's dwelling-house, in a western direction, by the most practical route, to intersect with the "Blue-grass Turnpike

Road," a distance of about one and three-fourths miles.

§ 3. The capital stock of said company shall not exceed thirty-five hundred dollars (\$3,500), and shall be divided into shares of fifty dollars each; and any of the incorporators named in this act may receive written subscriptions to the capital stock of said company; and each stockholder shall be entitled to one vote for each share of stock owned by him or her in said company at all elections of officers, which vote or votes may be given in person or by proxy. The subscription to said capital stock shall be in substance as follows: "We, whose names are hereunto subscribed, do bind ourselves respectively to pay the president and directors of the "Harrod's Run Turnpike Road Company" the sum of fifty dollars for each and every share of stock set opposite our names, in such manner and proportion and at such times as shall be required by the calls therefor, to be made by the president and directors of said company.

§ 4. As soon as a sufficient amount has been subscribed to build one mile of said road, it shall be the duty of the above-named incorporators, or some one of them, to give notice of a meeting of the stockholders of said company at some convenient point, for the purpose of choosing officers, and at said meeting at least two of said incorporators shall be present to superintend said election. There shall be a president and three directors, who shall hold their offices for one year, and until their successors are elected and qualified. The directors shall elect a clerk of said board, who shall also act as treasurer of said company; and he shall, before entering upon his duties, execute bond, with security, as treasurer, to be approved by said board, to the effect that he will faithfully perform the duties of said office, and that, when required by said company, he will pay over any and all money in his hands as clerk and treasurer.

He shall hold his office one year, and until his successor is elected and qualified.

Toll-gates.

§ 5. Said company is hereby authorized to establish and erect a half-gate for tolls on said road when the same is completed, at such point thereon as they may select; and they shall collect toll from persons traveling on or using said road, the rates to be one-half of the amount authorized by law to be collected at a full gate on other turnpike roads in said county.

Powers.

§ 6. The president and directors shall have power to fix the grade, locate, build and establish said road between the points designated; and may acquire by purchase, gift, relinquishment, writ of *ad quod damnum*, deed or otherwise, the right of way for the road upon the most eligible route between said points; also ground for the toll-house, and such timber, rock quarries, and so forth, as may be necessary for the completion of the road and keeping the same in repair, paying a reasonable compensation therefor; the road not to be less than thirty feet wide, and may be increased to forty feet wide, at the discretion of the board of directors; and the part of it graded and covered with metal not less than fourteen feet wide.

§ 7. The county court of Boyle county may subscribe and hold stock in said company upon the same conditions as other stockholders, and according to the act of the General Assembly of Kentucky authorizing and empowering the county court of Boyle county to take and subscribe stock in turnpike roads in said county.

By-laws.

§ 8. The president and board of directors shall have and exercise full control and management of the affairs of said company, and may enact such by-laws for the government of said road as they think proper; and may employ such agents as are deemed proper, including a gate-keeper.

Stock transferable.

§ 9. The stock in said road shall be transferable, provided the same shall have been fully paid.

§ 10. That if any of the stockholders in said road



shall fail or refuse to pay the stock subscribed or the calls for same when due, they shall be liable to suit <sup>Penalty.</sup> to enforce the collection of the same in any court having jurisdiction.

§ 11. The regular election for a president and direct- <sup>Election.</sup> ors for said company after the first one, shall be held on the first Saturday in May of each year, at such place and between such hours as the board of directors shall appoint. Said board of directors shall keep, or cause their clerk to keep, a fair and just account of all money which shall be received by them and all the money paid out by them in the prosecution of said work; and all costs and expenses of said road shall be paid and discharged, and the aggregate amount of the same shall be kept and entered on the books of said company. The president and directors, at the end of every fiscal year after the completion of the road, shall make and declare a dividend of the net profits, if any, and pay the same to the stockholders on the first Saturday of May in each year.

§ 12. That this act shall take effect from its passage.

Approved March 28, 1890.

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## CHAPTER 458.

AN ACT for the benefit of Washington county, by which the Washington County Court is authorized to lease the turnpike roads in said county, purchase the stock of any stockholder in any turnpike company, and manage and control said turnpikes, and make the same free for travel.

WHEREAS, The Washington County Court for fifteen years last past has contributed one thousand dollars per mile to aid in constructing turnpikes in said county (being two-thirds of the cost thereof), by which aid about two hundred and fifty miles of macadamized turnpike road has been constructed in said county

during said time ; and whereas, the tolls taken in on said roads, after paying toll-gate keepers, is not sufficient to keep the same in repair, and unless some other mode of keeping said roads in repair is adopted, said turnpikes, in a few years, will be useless as turnpikes ; and whereas, the stock in said roads is of little or no value to the individual owners ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

County may  
purchase roads.

§ 1. It shall be lawful, and the Washington County Court is hereby empowered, to purchase and own the stock of any stockholder in any turnpike company whose road is situated in Washington county, or any part thereof is in said county, on such terms and conditions as may be agreed on by the contracting parties.

May lease roads.

§ 2. It shall be lawful for the Washington County Court to lease any such turnpike road, or part thereof, on such terms and conditions, or for such length of time, as may be agreed on as hereinafter provided. That to enable said county court to lease any such turnpike, it shall be lawful for the owners of a majority of the stock in any such turnpike to make a valid lease of the same as herein provided, and in making any such contract, the treasurer of Washington county shall represent and vote the stock of Washington county in such turnpike.

This act to be  
ratified by people.

§ 3. After four years shall have expired from the date this act is ratified by a vote of the majority of the voters of said county voting at an election for that purpose as hereinafter provided, and said county has secured control of as many of the said turnpikes as it may deem proper to carry out the purpose of this act, the said county court may take charge of and keep such turnpikes so under its control in repair as herein provided, by charging toll for travel thereon as hereinafter provided as may deem proper.

§ 4. That to enable said county court to keep said

turnpikes in repair and properly manage the same, Levy taxes.  
said court is hereby authorized and empowered to annually levy a tax on the property of the citizens of Washington county liable for State revenue, of not exceeding thirty cents on each hundred dollars thereof, and a poll-tax of not exceeding one dollar and fifty cents on each qualified voter of said county. The sheriff of Washington county is hereby Sheriff to collect taxes. empowered and required to collect said tax, and for that purpose he is authorized to distrain and sell property liable therefor as he is authorized to do in collecting the State revenue; the said sheriff shall pay such tax so collected to the turnpike commissioner or commissioners of Washington county, at such time and in such manner as the Washington County Court may direct. For the faithful discharge of his duties the said sheriff and his sureties shall be liable on his bond to secure the payment of the county levy of said county.

§ 5. After four years shall have elapsed after this Road districts act shall have been ratified as herein provided, the county court of Washington county (composed of judge and justices) may, by an order entered of record, determine whether said county shall constitute one turnpike district, or may divide the same in as many districts, not, however, exceeding the number of magisterial districts in said county, as it may deem proper, and in the district or districts so established there shall be elected, at the regular election for county judge, a commissioner for the entire county, if the same be not divided as herein provided, or one commissioner for each subdivision by the qualified voters of the county or district as the case may be, who shall hold the office of turnpike Turnpike commissioners. commissioner for the county or district for which he may be elected for the term of four years, beginning on the first Monday in September after his election, unless removed from office, as hereinafter provided. Before such commissioner or commissioners shall enter on the

discharge of his duties, he shall be sworn to faithfully discharge the same by some officer authorized to administer an oath, and will execute a bond with good personal security before the judge of the Washington County Court, and to be approved by said judge, for the faithful performance of his duties.

§ 6. It shall be the duty of the judge of the Washington County Court to apportion the tax collected as above provided among the commissioners so elected and qualified (if there be more than one), as he may deem for the best interest of the county and the repairing of said turnpikes. Said commissioner or commissioners shall, with the tax so received, keep the turnpikes in his district, and under the control of the county court, in repair, having the work done thereon as may be most economical and effectual, or as may be directed by the judge of the Washington County Court and county attorney of Washington county. For the services of the commissioner the Washington County Court shall allow a reasonable salary, to be paid out of the county levy.

Powers of judge  
and attorney for  
county.

§ 7. The judge of the Washington County Court and the county attorney for Washington county shall have power at all times to control the management and repairs of said turnpikes, and the action of the commissioner or commissioners, and shall establish rules for the government of the commissioners, the mode of contracting or having the work done, or payment for same, or any other matters in connection with the management of the business.

Duty of county  
attorney.

§ 8. It shall be the duty of the county attorney of Washington county to see that this law and the rules of the county judge himself are faithfully executed on the part of the commissioners. He shall once in each year settle the accounts of the commissioners, and shall file the same in the office of the clerk of the Washington County Court, together with all vouchers that may be taken by such commissioner, and which settlement shall be subject to exception by

either party and the exceptions tried by the county judge. When, in the opinion of the county attorney, any commissioner has failed to discharge his duties faithfully, it shall be the duty of such attorney to file in the office of the clerk of the Washington County Court a petition, stating fully the particulars in which the commissioner has failed to discharge his duties faithfully, of which petition the commissioner shall have ten days' notice; and at the next regular term of the Washington County Court after said notice shall have been given, the commissioner may respond to said petition, and the court shall hear the proof; and if said commissioner shall, on such trial, be proven in default, said court shall enter an order removing such commissioner from office, and said court shall appoint a new commissioner to fill the unexpired term; but said new commissioner, before he shall enter on the discharge of his duty, shall be qualified and execute bond as hereinbefore required.

§ 9. On the removal of any commissioner, or on the Removal expiration of his term of office, he shall pay over to his successor any money in his hands as such commissioner; on his failure so to do, the county attorney of Washington county shall institute suit in the name of the new commissioner on the bond of the delinquent in the Washington County Court, to recover judgment for the balance in his hands; for that purpose the Washington County Court is hereby granted jurisdiction of such matter, and to render judgment for any amount that may be due.

§ 10. The election of the commissioner or commis- Election of commissioners. sioners shall be held in the county or districts as may be established, at the first election of judge of the Washington County Court that may be held in Washington county four years after the ratification of this act, and the poll compared, certificates given, and all other acts pertaining to such election shall be done by the same officers and in the same way as required in the election of other county officers.

§ 11. This act shall not take effect until the same has been ratified by a majority of the qualified voters of Washington county voting at an election to be held in Washington county for that purpose. That in order that the voters of said county may have an opportunity to ratify or reject this act, it shall be the duty of the Washington County Court, composed of the county judge and a majority of the justices of the peace in and for said county, at any time when such court may be convened, to determine whether or not this act shall be submitted to a vote of the citizens of Washington county for ratification; and if such court shall determine that the same shall be submitted, said court shall, by its order, fix the time of the election (but which shall not be on the day of any other election). Said court may provide for advertising the election, in such manner as it may deem proper, and appoint the officers to hold such election and to provide poll-books, with one column headed, "For free turnpikes," and other, "Against free turnpikes." The election shall be held at each voting place in said county as may then be established. To each voter shall be propounded the question, Are you in favor or against free turnpikes? and his vote shall be recorded as each one may direct. The poll-books shall be certified, compared as required by law in other elections; the result of such election shall be certified by the officers by law required to compare the polls, and entered of record in the office of the clerk of the Washington County Court.

County court  
may submit this  
act.

The question of  
free turnpikes.

Poll-books.

§ 12. Should a majority of the qualified voters voting at such election vote in favor of "Free turnpikes," this act shall be in full force and effect from and after the day of such ratification.

§ 13. This act shall take effect and be in force from and after its passage.

Approved March 28, 1890.

## CHAPTER 459.

**AN ACT** to prohibit the sale of spirituous, vinous or malt liquors within a radius of two miles of Mount Hebron Baptist Church, in the county of Garrard.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful for any person or persons to sell, or vend, or furnish any spirituous, vinous or malt liquors, or a mixture of either or any of them, in any quantity, within two miles of Mount Hebron Baptist Church, in Garrard county.

§ 2. *Provided*, That this act shall not apply to manufacturers or distillers within said boundary.

§ 3. Any person violating the provision or provisions of this act shall be subject to the penalties and punishments which are imposed by the statutes upon persons guilty of retailing and tippling spirituous, vinous and malt liquors.

§ 4. *Provided*, This act shall not interfere with regular practicing physician prescribing these liquors as a medicine.

§ 5. This act shall have full force and effect from and after its passage.

Approved March 28, 1890.

## CHAPTER 460.

**AN ACT** to incorporate the Central Trust Company of Owensboro.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Robert Brodie, J. D. Atchison, H. C. <sup>Incorporators.</sup> Herr, R. S. Hughes and John Thixton, and all other persons who shall hereafter become stockholders in the company hereby incorporated, shall be a body-corporate, by the name of the Central Trust Company

He shall hold his office one year, and until his successor is elected and qualified.

Toll-gates.

§ 5. Said company is hereby authorized to establish and erect a half-gate for tolls on said road when the same is completed, at such point thereon as they may select; and they shall collect toll from persons traveling on or using said road, the rates to be one-half of the amount authorized by law to be collected at a full gate on other turnpike roads in said county.

Powers.

§ 6. The president and directors shall have power to fix the grade, locate, build and establish said road between the points designated; and may acquire by purchase, gift, relinquishment, writ of *ad quod damnum*, deed or otherwise, the right of way for the road upon the most eligible route between said points; also ground for the toll-house, and such timber, rock quarries, and so forth, as may be necessary for the completion of the road and keeping the same in repair, paying a reasonable compensation therefor; the road not to be less than thirty feet wide, and may be increased to forty feet wide, at the discretion of the board of directors; and the part of it graded and covered with metal not less than fourteen feet wide.

§ 7. The county court of Boyle county may subscribe and hold stock in said company upon the same conditions as other stockholders, and according to the act of the General Assembly of Kentucky authorizing and empowering the county court of Boyle county to take and subscribe stock in turnpike roads in said county.

By-laws.

§ 8. The president and board of directors shall have and exercise full control and management of the affairs of said company, and may enact such by-laws for the government of said road as they think proper; and may employ such agents as are deemed proper, including a gate-keeper.

Stock transferable.

§ 9. The stock in said road shall be transferable, provided the same shall have been fully paid.

§ 10. That if any of the stockholders in said road



shall fail or refuse to pay the stock subscribed or the calls for same when due, they shall be liable to suit <sup>Penalty.</sup> to enforce the collection of the same in any court having jurisdiction.

§ 11. The regular election for a president and direct- <sup>Election.</sup> ors for said company after the first one, shall be held on the first Saturday in May of each year, at such place and between such hours as the board of directors shall appoint. Said board of directors shall keep, or cause their clerk to keep, a fair and just account of all money which shall be received by them and all the money paid out by them in the prosecution of said work; and all costs and expenses of said road shall be paid and discharged, and the aggregate amount of the same shall be kept and entered on the books of said company. The president and directors, at the end of every fiscal year after the completion of the road, shall make and declare a dividend of the net profits, if any, and pay the same to the stockholders on the first Saturday of May in each year.

§ 12. That this act shall take effect from its passage.

Approved March 28, 1890.

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## CHAPTER 458.

AN ACT for the benefit of Washington county, by which the Washington County Court is authorized to lease the turnpike roads in said county, purchase the stock of any stockholder in any turnpike company, and manage and control said turnpikes, and make the same free for travel.

WHEREAS, The Washington County Court for fifteen years last past has contributed one thousand dollars per mile to aid in constructing turnpikes in said county (being two-thirds of the cost thereof), by which aid about two hundred and fifty miles of macadamized turnpike road has been constructed in said county

during said time ; and whereas, the tolls taken in on said roads, after paying toll-gate keepers, is not sufficient to keep the same in repair, and unless some other mode of keeping said roads in repair is adopted, said turnpikes, in a few years, will be useless as turnpikes ; and whereas, the stock in said roads is of little or no value to the individual owners ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

County may  
purchase roads.

§ 1. It shall be lawful, and the Washington County Court is hereby empowered, to purchase and own the stock of any stockholder in any turnpike company whose road is situated in Washington county, or any part thereof is in said county, on such terms and conditions as may be agreed on by the contracting parties.

May lease roads.

§ 2. It shall be lawful for the Washington County Court to lease any such turnpike road, or part thereof, on such terms and conditions, or for such length of time, as may be agreed on as hereinafter provided. That to enable said county court to lease any such turnpike, it shall be lawful for the owners of a majority of the stock in any such turnpike to make a valid lease of the same as herein provided, and in making any such contract, the treasurer of Washington county shall represent and vote the stock of Washington county in such turnpike.

This act to be  
ratified by people.

§ 3. After four years shall have expired from the date this act is ratified by a vote of the majority of the voters of said county voting at an election for that purpose as hereinafter provided, and said county has secured control of as many of the said turnpikes as it may deem proper to carry out the purpose of this act, the said county court may take charge of and keep such turnpikes so under its control in repair as herein provided, by charging toll for travel thereon as hereinafter provided as may deem proper.

§ 4. That to enable said county court to keep said

turnpikes in repair and properly manage the same, Levy taxes. said court is hereby authorized and empowered to annually levy a tax on the property of the citizens of Washington county liable for State revenue, of not exceeding thirty cents on each hundred dollars thereof, and a poll-tax of not exceeding one dollar and fifty cents on each qualified voter of said county. The sheriff of Washington county is hereby Sheriff to collect taxes. empowered and required to collect said tax, and for that purpose he is authorized to distrain and sell property liable therefor as he is authorized to do in collecting the State revenue; the said sheriff shall pay such tax so collected to the turnpike commissioner or commissioners of Washington county, at such time and in such manner as the Washington County Court may direct. For the faithful discharge of his duties the said sheriff and his sureties shall be liable on his bond to secure the payment of the county levy of said county.

§ 5. After four years shall have elapsed after this Road districts act shall have been ratified as herein provided, the county court of Washington county (composed of judge and justices) may, by an order entered of record, determine whether said county shall constitute one turnpike district, or may divide the same in as many districts, not, however, exceeding the number of magisterial districts in said county, as it may deem proper, and in the district or districts so established there shall be elected, at the regular election for county judge, a commissioner for the entire county, if the same be not divided as herein provided, or one commissioner for each subdivision by the qualified voters of the county or district as the case may be, who shall hold the office of turnpike Turnpike commissioners. commissioner for the county or district for which he may be elected for the term of four years, beginning on the first Monday in September after his election, unless removed from office, as hereinafter provided. Before such commissioner or commissioners shall enter on the

discharge of his duties, he shall be sworn to faithfully discharge the same by some officer authorized to administer an oath, and will execute a bond with good personal security before the judge of the Washington County Court, and to be approved by said judge, for the faithful performance of his duties.

§ 6. It shall be the duty of the judge of the Washington County Court to apportion the tax collected as above provided among the commissioners so elected and qualified (if there be more than one), as he may deem for the best interest of the county and the repairing of said turnpikes. Said commissioner or commissioners shall, with the tax so received, keep the turnpikes in his district, and under the control of the county court, in repair, having the work done thereon as may be most economical and effectual, or as may be directed by the judge of the Washington County Court and county attorney of Washington county. For the services of the commissioner the Washington County Court shall allow a reasonable salary, to be paid out of the county levy.

Powers of judge  
and attorney for  
county.

§ 7. The judge of the Washington County Court and the county attorney for Washington county shall have power at all times to control the management and repairs of said turnpikes, and the action of the commissioner or commissioners, and shall establish rules for the government of the commissioners, the mode of contracting or having the work done, or payment for same, or any other matters in connection with the management of the business.

Duty of county  
attorney.

§ 8. It shall be the duty of the county attorney of Washington county to see that this law and the rules of the county judge himself are faithfully executed on the part of the commissioners. He shall once in each year settle the accounts of the commissioners, and shall file the same in the office of the clerk of the Washington County Court, together with all vouchers that may be taken by such commissioner, and which settlement shall be subject to exception by

either party and the exceptions tried by the county judge. When, in the opinion of the county attorney, any commissioner has failed to discharge his duties faithfully, it shall be the duty of such attorney to file in the office of the clerk of the Washington County Court a petition, stating fully the particulars in which the commissioner has failed to discharge his duties faithfully, of which petition the commissioner shall have ten days' notice; and at the next regular term of the Washington County Court after said notice shall have been given, the commissioner may respond to said petition, and the court shall hear the proof; and if said commissioner shall, on such trial, be proven in default, said court shall enter an order removing such commissioner from office, and said court shall appoint a new commissioner to fill the unexpired term; but said new commissioner, before he shall enter on the discharge of his duty, shall be qualified and execute bond as hereinbefore required.

§ 9. On the removal of any commissioner, or on the Removal expiration of his term of office, he shall pay over to his successor any money in his hands as such commissioner; on his failure so to do, the county attorney of Washington county shall institute suit in the name of the new commissioner on the bond of the delinquent in the Washington County Court, to recover judgment for the balance in his hands; for that purpose the Washington County Court is hereby granted jurisdiction of such matter, and to render judgment for any amount that may be due.

§ 10. The election of the commissioner or commis- Election of com-  
missioners. sioners shall be held in the county or districts as may be established, at the first election of judge of the Washington County Court that may be held in Washington county four years after the ratification of this act, and the poll compared, certificates given, and all other acts pertaining to such election shall be done by the same officers and in the same way as required in the election of other county officers.

County court  
may submit this  
act.

The question of  
free turnpikes.

Poll-books.

§ 11. This act shall not take effect until the same has been ratified by a majority of the qualified voters of Washington county voting at an election to be held in Washington county for that purpose. That in order that the voters of said county may have an opportunity to ratify or reject this act, it shall be the duty of the Washington County Court, composed of the county judge and a majority of the justices of the peace in and for said county, at any time when such court may be convened, to determine whether or not this act shall be submitted to a vote of the citizens of Washington county for ratification; and if such court shall determine that the same shall be submitted, said court shall, by its order, fix the time of the election (but which shall not be on the day of any other election). Said court may provide for advertising the election, in such manner as it may deem proper, and appoint the officers to hold such election and to provide poll-books, with one column headed, "For free turnpikes," and other, "Against free turnpikes." The election shall be held at each voting place in said county as may then be established. To each voter shall be propounded the question, Are you in favor or against free turnpikes? and his vote shall be recorded as each one may direct. The poll-books shall be certified, compared as required by law in other elections; the result of such election shall be certified by the officers by law required to compare the polls, and entered of record in the office of the clerk of the Washington County Court.

§ 12. Should a majority of the qualified voters voting at such election vote in favor of "Free turnpikes," this act shall be in full force and effect from and after the day of such ratification.

§ 13. This act shall take effect and be in force from and after its passage.

Approved March 28, 1890.

## CHAPTER 459.

AN ACT to prohibit the sale of spirituous, vinous or malt liquors within a radius of two miles of Mount Hebron Baptist Church, in the county of Garrard.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful for any person or persons to sell, or vend, or furnish any spirituous, vinous or malt liquors, or a mixture of either or any of them, in any quantity, within two miles of Mount Hebron Baptist Church, in Garrard county.

§ 2. *Provided*, That this act shall not apply to manufacturers or distillers within said boundary.

§ 3. Any person violating the provision or provisions of this act shall be subject to the penalties and punishments which are imposed by the statutes upon persons guilty of retailing and tippling spirituous, vinous and malt liquors.

§ 4. *Provided*, This act shall not interfere with regular practicing physician prescribing these liquors as a medicine.

§ 5. This act shall have full force and effect from and after its passage.

Approved March 28, 1890.

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## CHAPTER 460.

AN ACT to incorporate the Central Trust Company of Owensboro.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Robert Brodie, J. D. Atchison, H. C. Herr, R. S. Hughes and John Thixton, and all other persons who shall hereafter become stockholders in the company hereby incorporated, shall be a body-corporate, by the name of the Central Trust Company

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of Owensboro, Kentucky; and by that name shall have perpetual succession, and may contract and be contracted with, sue and be sued, and have all the powers hereinafter given; and may have and use a common seal, and alter the same at pleasure.

Capital stock.

§ 2. The capital stock of said corporation shall consist of five hundred shares, of the value of one hundred dollars each, with the privilege to increase the same by a vote of the stockholders (those holding two-thirds of all the capital stock assenting thereto), at an annual or special meeting, to any sum not exceeding two hundred thousand dollars; but in the event of any increase of the capital stock of said company, fifty per cent. of any such increase shall be paid in cash before such increase shall be valid; and the incorporators, or a majority of them, named in the first section of this act, shall have power to open books for subscriptions at such times and places as they may deem expedient; and when not less than five hundred shares shall have been subscribed, and fifty per centum thereon shall have been paid in, the share-holders may elect a board of not less than six directors, who may, at any time, be increased by a vote of the stockholders owning two-thirds in value of all the stock to any number not exceeding twelve; the directors to serve until the next annual election, or until their successors shall be duly elected and qualified; and the directors so elected of said company, when it shall have been organized, may, and they are hereby, authorized and empowered to have and to exercise, in the name and in behalf of the company, all the rights and privileges which are hereby given, subject only to such liabilities as other share-holders are subject to, which liabilities are no more than for the payment to the company of the sums due or to become due on the shares held by them; and should the capital stock at any time be increased, the stockholders, at the time of such increase, shall be entitled to a pro rata share of such



increase upon the payment of the price fixed by the board of directors.

§ 3. The principal office of said company shall be in the city of Owensboro. All the directors of said company shall be citizens of the State of Kentucky, and reside therein, and shall keep a record of their proceedings. Place of business.

§ 4. The board of directors shall divide itself by lot Directors. into three classes, as nearly equal as may be. The term of office of the first class shall expire at the end of one year, that of the second class at the end of two years, and that of the third class at the end of three years; and at the expiration of the third year, and annually thereafter, there shall be chosen a number of directors equal to the number of directors in the class whose term will then expire, who shall hold their office for three years, or until their successors are elected and qualified. Vacancies occurring in the intervals of the election shall be filled by the board.

§ 5. The directors shall elect from their number, at Elect president. the first meeting of the board after their election, and annually thereafter, a president and vice-president, who shall hold their office for the term of one year, and until their successors are elected and qualified; and may appoint a secretary and treasurer, and such other officers, clerks, agents and employes as the business of the company may require. All elections for directors shall be by ballot, and every stockholder shall be entitled to one vote for each share of stock held by him; but no person shall be eligible as director who is not a stockholder to the amount of five shares. At any meeting a quorum of the stockholders shall consist of stockholders owning at least one-half in value of the capital stock.

§ 6. All lands purchased by this corporation in satisfaction of debt shall be disposed of by said corporation within five years from the date of purchase, and if not disposed of within that time, must be ex-

posed to public sale at the end of five years from the date of said purchase.

§ 7. The board of directors shall make all by-laws necessary for conducting the business of the corporation. The directors shall have power to require payment of the amount remaining unpaid on the stock of the corporation, at such times and in such proportions as they shall think proper, the said assessments to be made as the by-laws of said corporation shall direct. The corporation shall have a lien on the stock for any amount that may be due thereon.

§ 8. The capital stock of said company, subject to the limitations herein contained, shall be taken and accepted as the only surety or security required by law on any bond or bonds required or necessary to be executed by said company as guardian, committee of person or persons of unsound mind, in proceedings to sell the real property of persons under disability, as provided by the Civil Code of Practice, title ten, chapter fourteen, or upon any other bond or bonds required or necessary to be executed by said company as guardian, trustee, committee or otherwise, or upon any bond of indemnity or other bond or bonds that may be required of said company in the course of any judicial proceedings, or in the prosecution of any remedy allowed by law to it in any of its fiducial capacities. The capital stock of said company shall be specially and primarily liable for the obligations of said company as executor, administrator, guardian, receiver, assignee, or trustee in any other capacity, and shall not be liable for any other debt or obligation of the company until all of its liabilities in regard to its trusts as aforesaid shall have been first discharged. The capital and other money in hand of the company may be loaned or invested in such manner as may be determined by the by-laws of the corporation, except it shall not be invested in real estate; but nothing herein shall be construed to permit said company to discount paper

May make by-laws.

Capital stock to be taken as security.

or to engage in the business of banking. No other security than its capital stock aforesaid shall be required upon its appointment to any of the offices or duties mentioned herein, except when required by the courts or by parties in interest; but any court having jurisdiction to make or approve such appointments shall have power, before making or approving the same, and from time to time afterwards, to examine the officers of the company under oath or affirmation as to the security aforesaid, and appoint a suitable person to investigate the affairs and management of said company, who shall report to such court the manner in which its investments are made, and the security offered to those by or for whom its engagements are held, the expense of such investigation to be defrayed by the company.

§ 9. The said corporation may be appointed and may act as guardian of infants, as executor or administrator, or committee of lunatics, as receiver, assignee or other trustee, whether appointed by deed, by last will and testament, by any court within this Commonwealth, or in any other manner not inconsistent with law. It may receive and hold in trust estate, real and personal, including the notes, bonds, obligations and accounts of estates and individuals, of companies and corporations, private or public, and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estate, receiving and collecting rents and other moneys; in the issuing and countersigning certificates of stock, bonds or other obligations of any corporation, association or municipality, State or public authority, and may receive and manage any sinking fund therefor; and may accept and execute all such trusts of every description, not inconsistent with the laws of this State, as may be committed to it by any person or persons, or by any corporation or by any

May be appointed guardian, etc.

court of record of this or any other State. It shall have a trust department, and all its business of a fiduciary character shall be kept in a separate and special set of books.

Duties and per-  
alties.

§ 10. In the exercise of said company of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty imposed by a court, said company shall be subject to the same duties and responsibilities, shall have the same powers, and shall receive the same compensation, as may be fixed by law with relation to individuals holding similar offices or trusts, except as herein otherwise specially provided. The exercise of the other powers, and the performance of other duties by said company, may be, as to compensation and otherwise, matters of contract with the parties interested.

May erect a  
building.

§ 11. Said corporation may purchase or erect, at the option of the stockholders holding a majority in value of the stock, a building containing a commodious and strong safety vault, containing a number of small compartments or boxes, designed and adapted for renting to persons who desire to have a place of safe deposit for valuables; and said corporation is hereby empowered to rent out the boxes in such safety vaults, and also any rooms in its building not necessary for its use to such persons or for such sums of money, and for such time, as may be agreed between such corporation and such persons as may, jointly or severally, rent one or more of said boxes or compartments.

§ 12. Said corporation is hereby empowered to receive for safe-keeping any valuables that may be intrusted to it, receipting for the same by any of its officers designated by its by-laws so to do, and may guarantee such special deposits.

May rent vault  
or building.

§ 13. Said corporation may, until it secures a safety-vault for the valuables intrusted to it, rent or hire boxes in the safety vault of any other com-

pany or corporation, or rent a room or rooms for its use until it shall erect or purchase a building.

§ 14. Said corporation may declare and pay, semi-<sup>Dividends.</sup> annually, dividends from the net earnings of the company; but before declaring said dividends, it shall reserve from said net earnings not less than ten per cent., and shall continue so to do until the amount thus reserved equals twenty per cent. of the paid-up capital stock.

§ 15. That promissory notes, payable to any person<sup>Negotiable paper.</sup> or persons, or to a corporation, and payable and negotiable at the office of said company, in Owensboro, Kentucky, which shall be indorsed to and discounted by any bank incorporated under any law of this Commonwealth, or organized in this Commonwealth under any law of the United States, shall be, and they are hereby, placed on the same footings as foreign bills of exchange.

§ 16. That the private property of the stockholders shall be exempt from the debts of the corporation.

§ 17. That this act shall take effect and be in force from and after its passage.

Approved March 28, 1890.

## CHAPTER 461.

AN ACT to amend an act to prohibit the sale of spirituous, vinous or malt liquors in the counties of Laurel, Rockcastle, Jackson, Owsley and Clay.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section two of said act be amended by striking out the words "twenty-five," in the third and fourth lines, and inserting in lieu thereof the word "fifty."

§ 2. It shall be the duty of the county judge, police

judge and the justices of the peace of Rockcastle county, when they have reasonable grounds to believe that said act has been violated by the sale of spirituous liquors, and so forth, to summons such persons as they deem proper to appear before them to give information upon oath as to said violation.

§ 3. Any person convicted for a violation of said act, who fails to pay or replevy his fine at once, it shall be the duty of the court trying said person to deliver him into the custody of the jailer, and direct said jailer to place him at hard labor upon the streets or county roads of said county at the rate of one dollar per day until said fine be paid.

§ 4. This act shall be in force from its passage, and shall apply to Rockcastle county only.

Approved March 28, 1890.

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## CHAPTER 462.

AN ACT to change the boundary line of Laurel and Clay counties.

WHEREAS, The county line between Laurel and Clay counties runs through the farms of Darling Jones and William Cornett; and whereas, said Darling Jones and William Cornett are now citizens and voters of Clay county; but it appears that the greater part of their business interests is now in Laurel county, and the greater part of their lands lie in Laurel county, and they live nearer the county seat of Laurel county than Clay, and for other good reasons they desire a change of citizenship to that of Laurel county; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county line between the counties of Laurel and Clay be so changed as to include the whole of the residences of Darling Jones and William Cornett in Laurel county.

§ 2. That Darling Jones and William Cornett be, and they are hereby, declared citizens of Laurel county, and entitled to all the rights and privileges of citizens of said county.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1890.

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## CHAPTER 463.

AN ACT to amend the charter of the Cabin Creek Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the charter of the Cabin Creek Turnpike Road Company, approved February sixteenth, one thousand eight hundred and seventy-two, be, and the same is hereby, amended so as to enable said company to build an extension of said road from Cottageville, in Lewis county, to Rectorville, in Mason county, a distance of about three and three-quarter miles.

§ 2. That the officers of said company be, and they are hereby, authorized to open books for the subscription of stock in and to said extension, in shares of twenty-five dollars each, to be collected as needed in building said extension; the additional stock for said purpose not to exceed six thousand dollars. The said company being hereby authorized to receive, and the county courts of Lewis and Mason county to make and pay, the usual subscription towards building the portions of said extension in each county respectively, for which the said counties are to receive stock in said road company.

§ 3. That all the rights, privileges and powers of the original charter shall apply to this extension, except that no tax, as provided in section three of

said charter, shall be levied to build said road, the stock instead to be raised by subscription to build it.

§ 4. That as far as Lewis county is concerned, its subscription shall be as provided for in section six of this act; and as far as Mason county is concerned, according to its usual custom of subscriptions to turn-pike roads in said county.

§ 5. That the cost of this extension shall be strictly kept separate from the cost of the original road, and the original road shall not be responsible for building this extension, and the extension shall not be liable for any of the debts of the original road. The power of erecting gates and collecting tolls is left to the discretion of the company, except that tolls are only to be charged and paid for the distance traveled, and according to the rates fixed by the General Statutes of Kentucky.

§ 6. The county court of Lewis county, a majority of the justices being present and concurring, is hereby authorized to subscribe stock in said branch road to the amount of one thousand dollars per mile, for each and every mile of said branch road.

§ 7. This act to take effect from and after its passage.

Approved March 28, 1890.

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## CHAPTER 464.

AN ACT to prevent cattle or any kind of stock from running at large on the turnpike roads in Robertson County.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person or persons to permit or allow their horses, mules, hogs, sheep, cattle, or any kind of stock, to run at large upon any of the turnpike roads in Robertson county.

§ 2. Any person or persons, being the owners of or



having the custody of stock of any kind, who shall suffer or permit any of them to run at large on any portion of the lines of the turnpike roads that lie in Robertson county, shall be fined for each and every offense not less than two dollars nor more than ten dollars for each and every offense, to be recovered by warrant in the name of the Commonwealth of Kentucky before any judge or justice of the peace which the turnpike road runs, or the nearest judge or any justice of said turnpike road.

§ 3. Unless said fine is paid or replevied, the cattle or stock so running at large shall be subject to the fine and costs; and an execution shall be levied upon it, and the officer shall proceed to collect same as in case of other executions. The fine so paid shall go to the trustee of the jury fund of Robertson county.

§ 4. This act shall take effect and be in force from the first day of June, one thousand eight hundred and ninety; and notice shall be posted at two of the most public places on the lines of said turnpike roads for two weeks before the day this law takes effect. Any turnpike road failing to post notices, this law shall not take effect until said notices have been posted for twenty days.

Approved March 28, 1890.

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#### CHAPTER 465.

AN ACT to amend an act, entitled "An act to incorporate the town of Port Royal, in Henry county," and the amendment thereto.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to incorporate the town of Port Royal, in Henry county,'" approved April twenty-first, one thousand eight hundred and eighty-two, be, and the same is hereby, repealed.

§ 2. The board of trustees of the said town shall require all persons obtaining license to sell spirituous or vinous or malt liquors in said town to pay a license fee to be fixed by the board, which shall not exceed (\$100) one hundred dollars for each year, in addition to the license fee exacted by the State, and which shall be paid to the county clerk.

§ 3. It appearing that no election for trustees has been held in said town since one thousand eight hundred and eighty-six, and that one of the trustees then elected is not now a resident of the town, W. L. Nuttall, P. J. Honaker, Jr., James White, Joseph Schnetzer, who were elected trustees at said election in one thousand eight hundred and eighty-six, and J. B. Carr, are to remove any doubt as to whether the officers elected in one thousand eight hundred and eighty-six are yet in office, appointed trustees for said town, and when they take the oath of office, shall be invested with full power and authority to perform and do all acts and things that the trustees of said town are authorized and empowered to do by the act to which this is an amendment.

§ 4. The persons mentioned in section three of this act shall hold office until the next regular election for trustees in said town, and until their successors are elected and qualified.

§ 5. This act shall take effect and be in force from its passage.

Approved March 28, 1890.

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## CHAPTER 466.

AN ACT to charter the Little Jordan Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That W. G. Irvine, W. J. Myers, James Judge, Walter Talbert and William Reid, and their success-

Incorporation.

ors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Little Jordan Turnpike Road Company; and by said name and style shall have perpetual succession, and power to contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts of this Commonwealth; and have and use a common seal, with power to alter the same at pleasure.

§ 2. The object of said turnpike road company is to Objects. construct a macadamized road from a point beginning at the Bath county line, at a point nearly opposite Squire Crow's house in the county road; thence the most practicable route by way of James Judge's house to Mrs. Ad. Wilson's gate, on the Moorefield and Upper Blue Lick Turnpike Road.

§ 3. The capital stock of said company shall be Capital stock. divided into shares of fifty dollars each, and the entire capital shall not exceed six thousand dollars.

§ 4. The above-named incorporators are hereby em- Subscriptions. powered to receive subscriptions of stock to said company, and they may each open books and receive subscriptions at any time and place after the passage of this act.

§ 5. When the above-named persons think a suffi- When to begin business. cient quantity of stock has been subscribed to justify an organization under this act, they, or such of them as may act, shall give ten days' written notice, by posting notices in three public places in the vicinity of the road, for a meeting of the stockholders, for the purpose of electing a president and five directors, a majority of whom shall constitute a quorum for the transaction of business, and to do all things authorized by this act to be done by the president and directors. Said president and board of directors shall be chosen annually, at such time and place as said president and directors may from time to time appoint, and who shall continue in office for one year, and until their successors in office are elected and qualified.

**Officers.** § 6. The president and directors shall elect one of their number treasurer, who shall execute bond, with approved security, and be responsible for all money received by him for said road ; and shall pay out the same as directed by the president and directors. Said board of directors shall have the power of appointing gate-keepers, and all other officers and agents necessary to effect the purpose of this act, and may remove the same at pleasure.

**Powers.** § 7. The board of directors shall have all the powers, rights and privileges, and may do all things and acts necessary for letting, constructing and completing said turnpike road, and locate and determine its width and grade.

**Stock—how paid.** § 8. The stock subscribed shall be paid in at such times and in such manner as may be indicated by the board.

**Toll-gates.** § 9. When two miles are completed, a toll-gate may be erected and toll collected according to law.

**Record.** § 10. The board of directors shall keep a record of all their proceedings, which shall be open to the inspection of the stockholders, or any of them, at all times ; and the treasurer shall act as secretary of the board.

§ 11. This act shall be in force from and after its passage.

Approved March 28, 1890.

## CHAPTER 467.

AN ACT to incorporate the Jeffersontown and Seatonville Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

**Incorporation.** § 1. That a company be formed and created a body-corporate and politic, with right of perpetual succession, under the name and style of the "Jeffersontown

and Seatonville Turnpike Road Company," for the purpose of building a turnpike road from the Taylorsville road, on Chenewoth's run, along said run to the bridge across Floyd's Fork, near Seatonville.

§ 2. The capital stock of said company shall be five Capital stock. thousand dollars, and be increased or diminished as the company may desire, or circumstances may require, to be divided into shares of twenty-five dollars each.

§ 3. The books of said company for the subscrip- Subscription. tion of stock shall be opened by John W. James, W. S. Frederick, Fred. Burkhart and J. W. Omer, who are hereby appointed commissioners for said purpose. When the sum of two thousand dollars shall have been subscribed, it shall be the duty of the commissioners named to give notice, in such manner as they may deem proper, for a meeting of the stockholders, at such time and place as their notice shall specify, for the election of a president and six directors. One vote shall be allowed for each share of stock subscribed; and the officers so elected shall remain in office for one year and until their successors are elected and qualified. The times and places of meeting or elections shall be fixed (after the first) by the president and directors, and a majority of the board shall be competent to transact business.

§ 4. When this company is organized by the elec- Election. tion of officers, the president and directors shall be a body-politic and corporate, under the name and style of the Jeffersontown and Seatonville Turnpike Road Company; and by that name shall have power to contract and be contracted with, to sue and be sued, in any court of law or equity; to have a seal, and to do all things necessary to carry out the purposes for which the corporation is created.

§ 5. The president and directors shall fix and regu- Regulations. late the grade and width of said road, the depth of stone or gravel, and shall designate the beginning and

terminus of said road, and fix the rates of toll, not to exceed the rates now fixed by law.

**Powers.** § 6. The president and directors, surveyor, and so forth, are hereby authorized to enter upon the lands, inclosures and highways through and over which this road may pass, to examine the ground, the quarries, gravel-beds and timber necessary for the construction of said road; and to enter upon said lands with tools, wagons, and so forth, first giving notice to the owners of the land or their agents: *And provided*, The president and directors are not able to agree with the owners through which the road is to pass as to damages, they shall apply to the Jefferson County Court for a writ of *ad quod damnum* to assess the damages which the owners may sustain, and the jury shall take into consideration, in assessing the damages, the advantages as well as disadvantages resulting from the road passing over the lands.

**Penalty.** § 7. The president and directors shall notify the stockholders when any part of their subscription is due, and upon their failure to make payment of same for the space of sixty days, shall pay interest on the same at the rate of six per cent. per annum until paid.

**Exemptions.** § 8. The private property of the stockholders shall not be liable for the debts of the company. The company shall have power to permit any stockholder to work out his or her stock in said road, or any part thereof, at such estimate as may be made by proper authority.

**Stock—how paid.**

§ 9. This act to take effect from its passage.

Approved March 28, 1890.

## CHAPTER 468.

AN ACT to incorporate the Jones' Mill and Rocky Branch Turnpike Company, in Franklin county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That J. H. Switzer, Calvin Hockensmith, William Wingate, B. F. Jones, Grover Hancock and John W. McConnell, their successors and associates, be, and they are hereby, created a body-corporate, under the name of the Jones' Mill and Rocky Branch Turnpike Company, with power to sue and be sued, contract and be contracted with, and to have and possess all the powers, rights and privileges, and to be subject to all the duties attaching to such corporation in this Commonwealth. Said corporators may open books and receive subscriptions to the capital stock of said company, at such times and places as they may deem proper. They may receive subscriptions from the county of Franklin, or the county court thereof, in such sums and upon such terms as the laws regulating such subscriptions authorize and permit. The capital stock shall be divided in shares of (50) fifty dollars each, and shall not exceed the sum necessary to construct the proposed road and necessary toll-houses. Incorporation.

§ 2. When (20) twenty shares of the capital stock shall be subscribed for, the corporators shall call a meeting of the stockholders, giving due notice thereof; and at said meeting a board of directors consisting of five members shall be elected. In such election, and in all subsequent elections, each share of stock shall be entitled to one vote. The directors shall hold their offices for the term of two years, and till their successors are elected and qualified. Board shall elect one of its members president. They shall appoint all other necessary subordinate officers and agents, and take from them such bonds as they may When to begin business.

deem necessary. The president and directors shall manage and control the affairs of the company.

Powers. § 3. The corporation may acquire and hold, under gift, purchase or otherwise, every thing necessary for the prosecution of its work or the object of its incorporation. Said object and purpose is the construction and operation of a turnpike road from a point in the Stamping Ground and Woodlake turnpike, near the house of J. A. Lyons, Esq.; thence crossing North Elkhorn at Jones' Mill and the Midland Railway at Switzer to the mouth of Rocky branch or Main Elkhorn, the said road being wholly in the county of Franklin.

Powers. § 4. The company may fix the grade of the road, and direct the manner of its covering with stone or gravel; may designate the places for toll-gates, and fix the tolls, not to exceed those prescribed by the general laws; and after (2) two miles of road are completed, shall have power to erect a toll-gate and collect tolls, to be applied to the building of the road.

Forfeitures. § 5. Said company shall have the powers, and be subject to the provisions of chapter (110) one hundred and ten of the General Statutes and the amendments thereto, except as herein provided; and if it be unable to contract with the owner of any land necessary for right of way, or toll-house grounds, may secure the same by process of condemnation in the manner, and upon the conditions prescribed by the general laws of the Commonwealth; and it may procure all necessary material in the same way.

§ 6. This act shall take effect from its passage.

Approved March 28, 1890.



## CHAPTER 469.

AN ACT to incorporate the city of Paris.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That so much of the county of Bourbon as is contained within the following bounds, namely: Beginning at a stake on the south side of the Kentucky Central Railroad, at its intersection with the Clintonville Turnpike Road; then running northward with the line of said turnpike and the grounds of the Bourbon County Agricultural Society to the Lexington and Maysville Turnpike, crossing which with the same line prolonged in a direct course to the Kentucky Midland Railroad; thence east along the line of Kentucky Midland Railroad to upper line of Paris cemetery; thence west on line of said cemetery to Houston creek; thence down the middle thereof around the great bend to the foot of Brooks street; thence following the middle of said street to Walnut street; thence with said street, far enough northward to include the old Garrett property, more recently occupied by the late Wellington A. Cunningham; thence running in a straight line to strike the Mount Sterling Turnpike at its intersection with the Lexington and Maysville Turnpike; thence running eastward with the said Mount Sterling Turnpike to the extreme eastern boundary of the Walsh distillery property; thence with said boundary of that property to the right or eastern bank of Stoner; thence following up said creek on that side as it meanders to the mouth of Kennedy's creek; thence in a straight line to the Winchester turnpike, so as to include the land owned by the late Garrett Davis; thence with the middle of said Winchester Turnpike northward to the line between the lands of W. K. Griffith, Mrs. Daniels (now John Webb, Jr.) and Mrs. Williams, to the north eastern corner of what is known as Claysville,

in the line of said Mrs. Williams; thence with the line, as the fence now stands, of said Williams property, to the south side of Kentucky Central Railroad; thence along the south side of same to the place of beginning, shall be continued as a city, and the inhabitants thereof shall constitute a body-politic and corporate, by the name of the "City of Paris;" with power under that name to govern themselves by such ordinances and resolutions for municipal purposes as they may deem proper, not conflicting with this act, the Constitution of this State nor the United States; to have perpetual succession, sue and to be sued, in all courts of law or equity; to contract and be contracted with, to purchase and hold such lands, tenements and personal property as may be necessary for the use of said corporation, and to sell, convey and have absolute dominion over the same for all municipal purposes. Said city must have a common seal, and may alter the same at pleasure.

Succession.

§ 2. The city, as constituted and continued by this act, shall succeed to all and singular the property rights and be liable for the obligations of the city of Paris as they are at the date of its taking effect.

Wards.

§ 3. The city of Paris is divided in three (3) wards. So much as lies on the east side of Main street shall constitute the first ward, and so much as lies on the west side of Main street and east of the boundary of third ward shall constitute the second ward; so much as lies west of the following described boundary shall constitute the third ward: Commencing at the point in the middle of Cypress street where the city boundary crosses said street; thence running with the middle of said Cypress street (sometimes called Penn avenue) to Ingels street; then with the middle of Ingels street to the point where the proposed extension of High street strikes it; thence with the middle of said extension and High street to Talbott avenue; thence with the middle thereof back to and across Cypress street to its west edge; thence with the west

edge of said street across the Paris and Georgetown pike to the point on Houston creek where said edge line, if produced, would strike said creek.

## CHAPTER II.

§ 1. The officers of the city of Paris shall be a mayor, three councilmen from the first, three councilmen from the second, and one councilman from the third ward, an assessor, two marshals, a collector, treasurer and clerk, and such other officers as the common council may appoint at their discretion.

§ 2. The six councilmen from the first and second wards, and the one from the third ward, together with the mayor, shall constitute the common council.

§ 3. The councilmen shall be elected by the qualified voters of each ward on the first Wednesday in April of each year, the election to be held at the engine-house in the city building, between the hours of eight o'clock ante meridian and six o'clock post meridian, and shall hold their offices for one year.

§ 4. The mayor shall be elected by the qualified voters of said city at the same time that the city councilmen are elected, and hold his office for two years, and until his successor is elected and qualified.

§ 5. No person shall be eligible to the office of mayor unless he has resided the two years next before his election within the city limits, is twenty-five years old, and a qualified voter of the city under its charter; nor shall any person be eligible to the mayoralty for more than two successive terms.

§ 6. No person shall be eligible to any municipal office unless he has resided in the city one year next preceding his election, is a qualified voter thereof, and not officially indebted to it in any way.

§ 7. The collector, treasurer, assessor and clerk of the city of Paris shall be elected by the council of said city at their first meeting after their election, or as soon thereafter as possible, and shall hold their offices until the next election of council-

men, or until their successors are duly elected and qualified. They shall perform such duties as the council, by ordinance, shall require of them. Should any vacancy occur in the council, either by death, removal, resignation, or by any disqualification or disability whatever, or should the mayor's office become vacant by removal from the city, by death, by refusal to act, by resignation, or by any disqualification or disability whatever, or any vacancy occur in the office of clerk, collector, assessor, marshal, or treasurer, from the causes above mentioned or otherwise, the council shall fill such vacancy by the election of some suitable person to hold for unexpired term. Any officer of the city may resign to the council, and a majority thereof may accept such resignation. When, by reason of sickness or absence from the city, the mayor shall be temporarily incapacitated to discharge the duties of his office, a majority of the council may elect one of their number to discharge such duties until his recovery or return.

Marshals to be  
elected.

§ 8. The two marshals above mentioned, to be known as marshal and deputy marshal, shall be elected at the regular election of one thousand eight hundred and ninety-one, shall hold their offices for two (2) years, or until their successors are elected and qualified, and shall perform such duties as are laid down in this charter, or may be required of them by the council. They may be removed for misfeasance, malfeasance, or nonfeasance in office, by a vote of four-sevenths of the council elect, and should there be a vacancy in either of said offices by death, removal, resignation, or by any disqualification or disability whatever, the council may fill the same by appointment until the next regular election. Either of the marshals may, in the discretion of the council, be appointed city collector.

May appoint ex-  
tra police.

§ 9. The mayor and council may, at any time, appoint such other police officers as they may deem necessary.

§ 10. Every male citizen over twenty-one years of Who may vote. age, who is a voter under the Constitution and laws of this State, has resided in the city six months, and in the ward from which he offers to vote sixty (60) days next preceding the day of the election, shall be a municipal elector: *Provided always*, That he shall also have paid his poll-taxes for the year preceding that in which the election is held at some time before twelve o'clock, meridian, of the tenth day preceding the day of the election.

§ 11. The city council shall provide by ordinance Council to provide for elections. proper officers to hold the elections required by this charter, direct how they shall be held, and prescribe the duties of such officers in relation thereto.

§ 12. Within three days after the election for Returns. mayor, councilmen and marshals shall have been held, the officers thereof shall return the poll-book to the board of examiners for Bourbon county, and said board shall meet at the office of the county clerk of Bourbon county as soon as said poll-books have been returned, and there compare and examine said poll-books, and give the proper certificates of election to the persons receiving the highest number of votes for the respective offices.

§ 13. Any citizen of Paris who, at any election, Contests. shall have been a candidate for councilman, shall have the right to contest the election to that office; and cases of contested elections shall be heard and determined by those who compose the board for contested elections of county offices, in like manner and by the rules prescribed by law for the trial of such contests.

§ 14. Should any officer of said city be directly or Officers not to be interested in contracts. indirectly interested, as agent or principal, in any contract with said city, or as surety on any such contract, he shall thereby vacate his office, and the contract, if entered into before said officer vacates his office, shall be null and void.

Question of  
vacancies.

§ 15. Should there be a question as to whether or not any office is vacant, upon a petition in equity filed in the circuit court, or any other court of this county of co-ordinate jurisdiction, by any citizen of Paris, the person claiming to fill said office being made party defendant, such question shall be heard and determined, and all orders made and process issued necessary to effectuate the judgment of said court.

### CHAPTER III.

Mayor to pre-  
side.

§ 1. It shall be the duty of the mayor to preside at all meetings of the council, and he shall not vote unless there is a tie; he shall be a conservator of the peace, may arrest offenders against the penal laws of the city or Commonwealth on view, and summons the posse comitatus to his aid; he shall exercise a strict supervisory control over the officers of the city, see that the city ordinances are enforced, and that each officer discharges his duty, and cause such officer as may be derelict in the discharge of his duty to be proceeded against according to law; he shall take the necessary steps to suppress riots, insurrections and disorderly meetings, and he shall perform all such duties and exercise such powers as from time to time may be confided to him by the laws of the city, or which may otherwise pertain to the office of mayor.

Poll and ad va-  
lorem tax.

§ 2. On the second Monday of May annually, or as soon thereafter as practicable, the mayor and council shall determine the amount of the poll and the rate of the general ad valorem taxes for the year, and the clerk thereupon shall make out and deliver to the collector, as soon as practicable, a list in alphabetical order of the persons named in the assessment roll, and the amount of their taxes for the current year, and the delinquent taxes of the preceding two years, the charge against each specifying whether the tax is a poll or property tax, and if the latter, concisely describing the property, with a precept under the seal of the city, commanding the collector, in the name of the

city, to collect the taxes charged in said list by demanding payment of the persons therein charged, or by distress and sale of their respective goods and chattels, or of lands, tenements and hereditaments described in said list, and to return said precept and list to the mayor and council, and pay over the money so collected to the treasurer on or before the first Monday of November then next, or as he may be at any time directed by the council.

§ 3. It shall be the duty of the council to keep in repair all the streets and alleys belonging to the city, and to open and make, sidewalks excepted, such other streets and alleys as the necessities of the city may, in its opinion, demand, at its own expense, without charge or cost to the property-holders or owners fronting or abutting thereon. Keep streets in repair.

§ 4. The council shall meet on the first Tuesday after the election, and as often thereafter as the public business may require. A majority of the councilmen shall be necessary to transact business. In the absence of the mayor the council must elect one of their own number to preside during the meeting. The common council shall have full power to assess and collect annually, against each male inhabitant liable to such taxation under the laws of the State of Kentucky, a capitation tax not exceeding two dollars per head, and upon all other property, real, personal and mixed, including merchandise, except such as is exempt by the State laws from taxation, and except rights, credits and money, such general ad valorem tax as they shall, from time to time, deem expedient: *Provided*, Such assessments shall not exceed seventy-five cents on the hundred dollars' worth of taxable property. The council shall cause to be made out, on or before the first Monday of February of each year, a copy of the assessment roll of the previous year, and handed to the assessor, together with a precept commanding him, in the name of the city, to make and return to the common council, on or before the Meetings of council. Collect taxes. Assessor.

second Monday in May thereafter, a list of all persons liable to poll-tax aforesaid, and of all lands and tenements, goods and chattels, liable to be taxed as aforesaid, with the name of the owner or holder thereof, and a just valuation and a certain description of said property. The assessor shall execute and return said precept according to the command thereof, and every such assessment shall be taken as if made on the first Monday in March of each year, except as to goods, wares and merchandise, which shall be taken as if made on the first Monday in May of each year, from which time the taxes of the current year shall be a lien on the property listed and assessed, and a charge against the holders and owners thereof until the taxes be paid.

Collector.

§ 5. The collector, upon the receipt of the tax-book, shall advertise in one or more newspapers of the city a call upon the tax-payers to meet him at his office and pay their taxes; and if any tax shall remain unpaid on the first Monday in August, he may collect the same by distress and sale, at auction, of the goods and chattels of the person charged therewith and found in the city, returning the overplus, if any, to the owner, giving ten days' notice of such sale by written advertisements put up at three public places in the city.

Execute bond.

§ 6. The collector shall execute and return said precept according to the command thereof; and he shall specify in his return what taxes have been collected by distress and sale, the property sold, the price for which it sold, and the name of the purchaser, and what taxes remain unpaid, and the cause of their non-payment; and he shall make affidavit that his return is just and true, which affidavit shall be annexed to his return. The collector shall also report to the mayor and council all omissions and other errors in the assessments and tax-rolls which shall have come to his knowledge; and the mayor and council shall at all times have power to correct any assessment or tax-roll by adding to or subtracting



from it in such manner and sums as to them may seem right, and to refund any moneys and to make any other just restitution for taxes wrongfully collected.

§ 7. If no goods or chattels shall be found out of which to make the taxes charged on any lands, tenements and hereditaments, or being found and sold, shall be insufficient to satisfy such taxes, the collector shall seize such lands, tenements or hereditaments, and having given three weeks' general notice of the sale in a newspaper published in the city, he shall, at the court-house in the city, on the fourth Monday in October, or as soon thereafter as practicable, between ten o'clock ante meridian and five o'clock post meridian, continuing from day to day as long as it shall be necessary, sell at public auction for cash the least interest in said lands, tenements or hereditaments that will satisfy the taxes charged thereon, the costs of sale, and making and recording the certificate thereof; and the taxes and costs being paid by the purchaser, the collector shall give him a certificate of such sale, signed by himself, stating particularly the property sold, the amount and year of the tax, and the purchaser's name. Said certificate shall be recorded by the clerk in a book kept for that purpose within sixty days after its date. The collector shall charge two and one-half dollars in the costs of sale, of which he shall keep two dollars for making, and pay to the clerk fifty cents for recording the certificate, all said costs in every case to be collected from the delinquent as part of tax; and if all proceedings relative to the tax and sale shall have been regular, such certificate shall vest in the purchaser and his representatives and assigns a lien upon the interest so purchased in such lands, tenements, or hereditaments, and the certificate shall be *prima facie* evidence of such regularity. If any lands, tenements or hereditaments, or interests therein, sold as directed by this section, shall not be redeemed at the

Sell property for taxes.

expiration of two years from date of sale, the collector who made the sale, or the collector of the city for the time being, shall make a deed to the purchaser, in which deed the certificate of sale shall be recited, and acknowledge the same for record in the Bourbon county clerk's office; and such deed shall be *prima facie* evidence of the regularity of the sale, and vest the legal title in the purchaser. But any person interested in the lands, tenements, or hereditaments so sold may redeem the same at any time within two years from the date of such sale by paying to the purchaser or clerk of the city, for the purchaser's use, the amount for which the same was sold, together with ten per cent. thereon, and six per cent. per annum as interest on the purchase money; but the purchaser, his representatives and assigns, shall not be liable to account for the use and occupation of the lands, tenements and hereditaments between such sale and redemption, and they shall have the right to remove all improvements made by them within said period. This act shall not be construed as to impair the rights of infants and married women to redeem the property sold, or contest the validity of the sale aforesaid within two years after their respective disabilities shall be removed; but this saving shall not extend to any joint tenant or tenant in common, or co-parcener not laboring under such disability.

Officers to give  
bond.

§ 8. The treasurer and collector and marshals shall, before entering upon the discharge of their respective duties, each execute bond to the city of Paris, with good and sufficient surety, conditioned for the honest and faithful discharge of their official duties; their bonds to be approved by the council, who shall cause the same to be filed in the city records, and true copies of the same to be spread of record; and such copies, in the absence of the original, shall be sufficient evidence in all courts of the execution and contents of said bonds. If, at any time, it shall be deemed proper,

the council may require additional security of any or all of the above-named officers, and said city, or any person injured by a breach of any of said bonds, may bring suit thereon against any or all of the obligors in any of the courts of this Commonwealth having jurisdiction of the parties the subject-matter complained of, and amount involved, and have the relief to which he or it may appear entitled.

§ 9. It shall be the duty of the marshal or his deputy to serve and return all process directed to him by the mayor, and his power for this purpose shall be co-extensive with Bourbon county; he shall attend all trials before the mayor, receive the same fee for his services, and do the same duties in like cases as constables. In case of the absence or inability of the marshal or his deputy, or when either of them is a party to or interested in the matter pending, the mayor may direct process to the sheriff or any constable of Bourbon county, who shall execute and return the same.

Duties of marshal and deputies.

§ 10. It shall be the duty of the city clerk to keep a full and correct record of all meetings and the proceedings of the common council, which shall at all times be open for the inspection of any citizen of the city. He shall sign all commissions, licenses and permits granted by the city authorities; shall be custodian of the city seal, affix it where, by law, it is required, and perform such other duties as shall be prescribed by the city council.

§ 12. All officers of the city, before they enter upon the discharge of their duties, shall take the oath prescribed by the Constitution of this State.

#### CHAPTER IV.

##### *Power of Officers.*

§ 1. Within the limits of the city of Paris the mayor shall have the same civil jurisdiction which a justice of the peace has in his precinct; in crim-

Mayor to have civil jurisdiction.

inal and penal matters his jurisdiction shall be the same as, and co-ordinate with, that of the justices for the precinct in which the city is situated, except when otherwise in this charter provided: *Provided, however,* As to offenses punishable only under the charter, by-laws or ordinances of the city, or under such charter, by-laws or ordinances punishable differently from what they would be under the general laws of the State, his jurisdiction shall be exclusive. He shall also have power to issue all *mesne* and final process for carrying his jurisdiction into effect; shall proceed in the same manner and be entitled to the same fees as a justice of the peace; he shall keep a docket which, in all respects, shall have the same effect as a docket of a justice of the peace; and a copy therefrom, certified by the mayor under his hand, shall be competent evidence in any court in this State; and the parties to any case or controversy before him shall have the same right to a change of venue, to a trial by jury, and to an appeal, as if the matter was pending before a justice of the peace. In event of a change of venue, or if for any other reason, a justice of the peace should be called on to try a case where the jurisdiction of the mayor is exclusive, such justice shall have the same powers in such cases that the mayor would have had. All process in civil cases shall be directed to the marshal of the city, and shall be executed by himself or deputy, except as provided in chapter three, section nine. The mayor in such cases shall receive like fees with justices of the peace, collectable in like manner, and for the trial thereof he shall sit at the court-house in Paris on the second Tuesdays of the months of January, April, July and October of each year.

§ 2. The mayor, or a majority of the council, may  
Special meetings. call special meetings of the mayor and council whenever they shall judge it expedient, by giving notice in writing, stating generally the object of such meet-

ing to the other councilmen, who shall at that time be in the city. The mayor, and, in his absence, the president *pro tempore* of the council, shall sign the records of its proceedings, and a copy of the record so signed, certified by the clerk, shall be competent evidence in any court of this State. No by-laws or ordinances of a penal nature shall be passed by the mayor and council without being publicly read twice at different meetings, unless said second reading is dispensed with by a vote of a majority of the council, and the mayor concurring. The vote upon the passage thereof shall be by the ayes and noes, and entered on the record, but no such by-laws or ordinances shall be in force until a copy thereof, certified by the clerk, shall have been published in two successive issues of one or more newspapers of the city.

§ 3. The mayor and council shall also have power and authority to establish a board of health for the city, to invest it with such powers, impose upon it such duties, and prescribe for it such regulations, as shall best secure the city from contagious and infectious diseases, and make all the provisions, and do all other things necessary to protect the public health; to provide for the maintenance of the paupers of the city; to procure fire-engines, hose and other fire apparatus; establish and organize fire companies, and make all proper regulations for their government; and for that purpose to make such as they may think proper abatements of the poll and other taxes of firemen, who shall be exempt from serving on any jury; to compel the citizens to provide themselves with fire buckets, and assist in extinguishment of fires; to regulate the sweeping and burning out of chimneys; the storage of gunpowder and other combustible and dangerous articles, and to take all other usual and proper measures for preventing or extinguishing fires; to sink wells and cisterns, and supply the city with wholesome water; to provide for lighting the streets of the city; to establish a city watch, with power in the

General powers.

watchmen to arrest all persons found in the city violating any of the criminal laws of the State or penal ordinances of the city, and take them before the mayor or magistrate for examination ; to regulate and prevent the interment of deceased persons within the city, and to purchase, hold and regulate burying-grounds for the city ; to abate and prevent the erection of nuisances, define and declare what shall be a nuisance, and prevent by fine the exercise of all noxious or offensive trades within the city, or within any parts thereof ; to establish markets or market-places, and regulate the buying and selling of articles usually sold in market ; to appoint measurers, weighers, gaugers and inspectors, for ascertaining the quality and quantity of flour, meal, beef, pork and other provisions ; coal, wood, lumber, hay and other articles for market, and testing the accuracy of weights and measures, and to fix the fees of such officers ; to license and regulate carriers, who, with their carts, wagons, hacks or other vehicles, ply in the city for hire, and prohibit those not licensed from plying ; to license auctioneers, and to regulate auctions, except in the case of auctions authorized by the general laws of the State ; to prohibit and prevent hogs, cattle, horses and other animals from running at large in the city ; to assess an annual tax on the owners and keepers of dogs within the city ; to suppress gaming-houses and houses of ill-fame, and to punish the person who shall keep them ; and to preserve good order and public peace by preventing gambling, intoxication, immorality, lewdness, idleness, vagrancy, quarreling, fighting, rioting and other disorderly conduct within the city, and punish those guilty of such conduct therein. And the mayor and council are authorized to make all by-laws, ordinances and regulations necessary and proper to carry the foregoing and all other powers granted by this act into full effect, and to enforce the same by penalties not exceeding one hundred dollars, unless in this act otherwise provided, to be recovered before the mayor.

§ 4. The mayor and council shall have power to License. license any and all express companies engaged in the transportation of goods, wares and merchandise for pay, which shall have an office or offices within the city limits, and may charge for such license any sum not exceeding one hundred dollars; and no express company shall have or keep an office within the city limits, or do its business therein by an agent or otherwise, without such license, under a penalty of two hundred dollars, to be enforced as other fines by proceedings before the mayor, any law to the contrary notwithstanding.

§ 5. The council may grant or refuse license to retail spirituous, vinous or malt liquors, or any one or more of them, in the city; may fix the amount to be paid for license when granted; designate the places where and the times when it may be sold, and in every way regulate this branch of the traffic as it seems best to them: *Provided always*, In no case shall the city license protect any dealer until he has also procured license from the State, should it be required. Whoever shall, in the city, so sell any of the liquors named without such license from it, shall be fined by the mayor, for the use of the city, not less than ten nor more than one hundred dollars for each offense.

§ 6. For the purpose of paying the existing debts Issue and sell bonds. of the city, or any part of them, the mayor and council may issue and sell its bonds, having not more than twenty years to run, and bearing a rate of interest not exceeding six per cent., payable semi-annually, at such place as may be therein designated. These bonds shall be signed by the mayor and countersigned by the treasurer, and bear the seal of the city. Should, however, the mayor and council deem it best, they may, for that purpose, borrow money and give the note or notes of the city therefor, bearing interest at a rate not exceeding seven per cent., and having not longer to run than five years. Said

note or notes shall be signed by the mayor, countersigned by the treasurer, and bear the corporate seal. A full description of said note or notes shall be entered upon the records of the city by the clerk as part of the proceedings of that meeting of the council which authorizes their execution; this record and their proper execution and delivery for value received by the city, shall make them a lien upon all its property, income and taxes, which shall be thereby pledged to their payment: *Provided always*, That no taxes necessary to carry on the municipal government and its ordinary affairs and business, or already set apart for other purposes, shall be considered so pledged.

May borrow  
money on notes.

§ 7. Should it be necessary for the city for municipal purposes, other than the payment of its present indebtedness, to borrow money, the mayor and council, two-thirds of the councilmen elected concurring, may do so, on the note or notes of the city, signed by the mayor, and countersigned by the treasurer. Said note or notes shall bear a rate of interest not exceeding eight per cent. ; shall not run for more than one year, or exceed, in aggregate amount, seven thousand dollars. They shall be paid out of the revenues of the fiscal year current when they are given, which revenues, by entry on the record of the meeting at which it was voted to borrow the money, may be pledged to their payment, so far as they are not otherwise specifically appropriated. No more money shall be borrowed in this way while any such note or notes remain in whole or in part unpaid. Should it be necessary for the city to borrow for such purposes a greater sum than the said amount, or to borrow in a different way, upon other terms and conditions, it may do so, two-thirds of the council and two-thirds of the qualified voters of the city concurring ; but to authorize them to so borrow, they shall issue an ordinance stating the sum proposed to be borrowed, the time for which it is to be bor-



rowed, and the object or objects for which the money so borrowed is to be expended; and the money so borrowed shall be applied to the purpose for which it is borrowed. The mayor and council shall also, before they issue an ordinance to take the vote of the city to authorize them thus to borrow money, make provision for the payment of the interest on the sum to be borrowed as it shall accrue, and to pay the debt when it shall become due; which provision, so made, shall be distinctly stated in the ordinance aforesaid, and the ordinance made shall be published in each issue of one or more newspapers published in the city of Paris for at least three weeks next before the day on which the vote is taken. These, and all other bonds of the city for the payment of money, shall be signed by the mayor, countersigned by the treasurer, and bear the seal of the city. No bond of the city shall be sold for less than par, nor bear a higher rate of interest than seven per cent. per annum, payable semi-annually. These, and all other bonds of the city, when properly executed, issued, and delivered for value, do pledge the faith, property, and revenues of the city for their redemption. No city bonds shall have a longer time to run than twenty years, unless otherwise distinctly provided in the act authorizing them.

§ 8. In addition to the power to open and establish new streets and alleys, as granted by section three of chapter three, the mayor and council shall also have power to extend or widen, or both so extend and widen, any of the existing streets or alleys of the city, and if in exercising any of these powers they can not agree upon terms with the parties interested, they shall have power to acquire the land or property needed by proceeding in the nature of *ad quod damnum*, as prescribed by the General Statutes in relation to railroads and turnpikes. The mayor and council shall have entire and exclusive control of the streets,

May open  
streets.

alleys, sidewalks, squares and public places of said city, and no person or corporation shall have the right to locate any structure on, under or over any of them without the permission of said body, and then only upon the terms and conditions which it may prescribe ; and all acts or parts of acts constructively, impliedly or specifically inconsistent with this section are hereby repealed.

Sidewalks.

§ 9. The council shall have power to cause all sidewalks in the city to be curbed and paved with stone or brick. It may prescribe their width and the manner of their construction, and apportion the cost and expense thereof among the owners of lots fronting or abutting thereon, and a lien is given on the lots for the same ; and such cost and expense may be listed and collected by the city collector as other taxes ; and the collector shall have authority to sell and convey the lots and parts of lots for the same, under the by-laws and ordinances of the council : *Provided*, That the owners of any lots or parts of lots thus sold for paving shall have five years after the date of the deed of conveyance to redeem the same on repayment of the purchase money and ten per cent. per annum on it, and all taxes and levies that may have subsequently accrued on the property sold and conveyed, and been paid by the purchaser or his assignee : *And provided*, That infants shall have one year after arriving at full age to redeem on like terms. If the owners of lots or parts of lots fronting or abutting on any street or alley now in the city, or to be hereafter established, shall have curbed and paved the sidewalk with stone or brick as ordered by the council, and the same shall have been accepted by the council, they, the owners of said lots and parts of lots, shall not be required to change the grade.

May cause sidewalks to be repaired.

§ 10. The common council may, in like manner, cause sidewalks to be repaved and repaired, at the cost and expense of owners holding lots fronting or abutting thereon, with the same power to compel the

payment of the cost and expense thereof, with the same lien on the lots, with the same power to cause said lots to be sold and conveyed to the purchasers thereof, and with like privilege of redemption to the owners of the same as is given in the last preceding section.

§ 11. The mayor and council shall have power to erect all municipal buildings, including common school buildings, which they may deem necessary; and, when the public good shall require it, to erect a city prison, and regulate the management and police thereof; and the marshal, or whomsoever the council may appoint, shall be the keeper thereof, and have the same authority and be subject to the same liability as such that jailers have and are subject to as the keepers of county jails: *Provided*, That until such prison shall be ready for the reception of prisoners, the said city shall be allowed to use the jail of Bourbon county for the confinement of such persons as may be convicted before the mayor, and who shall be liable to imprisonment under the laws of this State or ordinances of said city; and all persons so imprisoned shall be under the charge of the jailer of said county of Bourbon, who shall receive and discharge said persons in such manner as shall be prescribed by the ordinances of said city, or otherwise in due course of law.

Erect school  
and city build-  
ings.

County jail.

§ 12. The mayor and council shall have power by ordinance to fix the time and manner in which taxes shall be paid at the collector's office, and to affix and enforce penalties for failure to pay the same at said office by a specified date, which penalties shall not be remitted in any case except by a two-thirds vote of the council.

§ 13. All moneys of the city raised, collected or received by the means of taxes, licenses, penalties or otherwise, shall be paid into the treasury, and shall not be drawn therefrom except by the authority of the mayor and council, upon an order signed by the

Money to be  
paid to treasurer.

mayor and countersigned by the clerk. The mayor and council shall cause all demands in favor of and against the city to be adjusted as speedily as possible, and shall require all officers and agents intrusted with the keeping or expenditure of moneys of the city to account for and dispose of the same at such short intervals, and in such manner as they may direct ; and they shall cause to be published in one or more newspapers of the city, at the close of each fiscal year, a full and complete account of the city's financial condition, showing its indebtedness of every nature, together with its resources. There shall accompany this a detailed statement of its receipts and expenditures for that year, and a list of the delinquent tax-payers, with the amount due from each. It shall be the duty of the collector, treasurer and clerk to prepare for publication such complete account, detailed statement and delinquent list within ten days after the close of the fiscal year, which shall begin on the first day of July and end on the third day of June of the succeeding year. For failure to do so without good reason therefor, they, or whichever of them is in fault, shall be fined by the mayor not less than twenty nor more than one hundred dollars, on the written complaint of any two tax-paying voters of the city.

§ 14. The common council shall have full power to cause each officer appointed by them, before he enters upon the duties of his office, to execute bond, with such surety or sureties as they may approve, conditioned that he will faithfully discharge the duties of his office, and fully pay over to the treasurer, when required by the order of the council, all moneys which he may have received by virtue of his office, which bond shall be filed away by the clerk. Every bond required by this act of any city officer, unless it is otherwise provided, shall be executed to the city of Paris, and upon any such bond suit may be brought and judgment recovered in any of the courts of the Commonwealth having jurisdiction of the parties,

subject-matter and amount involved. All suits commenced, and proceedings hereafter prosecuted, for and on behalf of said city, shall be in the name of the city of Paris.

§ 15. Any officer of the city convicted of a criminal offense against the State, necessarily involving malice or dishonesty, shall forfeit his office.

§ 16. In all cases of public nuisances, of whatever Abate nuisances kind, the common council, after reasonable notice to the guilty party, may cause the same to be abated, and may sue such guilty party in any court of competent jurisdiction, and recover full compensation for the expense of such abatement.

§ 17. The mayor and council shall have power, by ordinance, the erection, or to regulate the height and size of wooden buildings in any part of the city where great danger may otherwise ensue to valuable and permanent improvements, and to enforce the observance of said ordinance by fines and penalties.

§ 18. Neither the mayor nor any councilman shall have the right to vote upon any measure involving an expenditure of money for the improvement of his own property. Should either the mayor or any councilman procure the passage of any such measure, he shall thereby vacate his office and the measure be null and void. Right to vote where interested.

§ 19. If the collector having overdue taxes of any character owing the city in his hands for collection, believes another person holds or controls money or other property belonging to the person owing the taxes, he shall deliver to the person owing the taxes, and to the person owing him, wherever in the county either may be found, or cause it to be done, written notice in substance as follows: Mr. ———, the taxes due by Mr. ——— to the city amount to the sum of ——— dollars and ——— cents. To that extent you are notified not to pay or deliver to him any money or property which you now or may hereafter Garnishee money or property.

hold or control belonging to him, and to appear before the mayor's court for the said city on the first day of its next term to show why you are not adjudged to pay said tax. Next term commences the — day of —, 18—.

This — day of —, 18—.

A. B., Collector City of Paris.

This notice shall be signed by the collector, and shall operate to enjoin the person named in it from delivering or paying the amount mentioned in said notice, or any property, notes, accounts or other things of value in his hands or under his control at the time of the service of the notice or thereafter, to the person owing the taxes, until the matter is heard by the mayor. On the hearing by the mayor, the person so enjoined shall be compelled to disclose on oath, in open court, all money or property in his hands or under his control, whether at the time of service or thereafter, belonging to the tax-payer. And the mayor shall direct the person so having or controlling any property of the tax-payer to pay or deliver said money, property or other things of value disclosed on the hearing, to the collector to the amount or value of such taxes and costs, and if it be personal property, the collector shall sell the same in the manner he is directed to sell like property when sold for taxes. If the person indebted to the person owing taxes fails to attend or to make disclosures, the mayor shall render judgment against him for all said taxes.

#### CHAPTER V.

##### *Public Schools.*

School district.

§ 1. The city of Paris, as defined by this act, shall constitute the common school district of Paris, in the county of Bourbon, and the board of education of the city of Paris, created by the act of one thousand eight hundred and seventy-four, and continued by this act, shall have exclusive control of the pro rata

of said district from the common school fund, as well as other funds raised by taxation within said district for school purposes; and such funds shall be paid over by the collecting officers to the treasurer of the city of Paris, to be by him held separate and distinct from all other moneys in his hand, to be disbursed only by order of said board.

§ 2. At each annual election for councilmen of said city of Paris there shall be an election by the qualified voters of said city of two persons, neither of whom shall be a member of the city council of Paris, and all of whom shall have the qualifications required by this act for the office of mayor; these two persons so elected, together with the four members holding over, shall constitute and be known as the board of education of the city of Paris. They shall hold office for the term of three years, or until their successors are elected and qualified: *Provided*, That at their first meeting, which shall be held on the second Monday after their election, they shall be sworn to faithfully discharge the duties of their office.

Election of  
school trustees.

§ 3. Said board shall be a body-politic and corporate, with power to contract and be contracted with, sue and be sued as a natural person, and have such other corporate powers as are necessary to effectuate the object of its creation.

Incorporated.

§ 4. Said board shall have entire control of the appointment and removal of teachers, the fixing of their salaries, and the discipline, course of study, examinations, and other matters pertaining to the economy of the public schools in said district: *Provided*, They shall not exclude from the benefits of said school any person within said district who is embraced by the common school law of the State, except for violations of the discipline of said school as prescribed by said board.

Entire control of  
city school.

§ 5. The mayor and council may levy an annual additional tax, not exceeding forty cents on each one hundred dollars' worth of assessed property within

Mayor and council  
to levy school  
taxes.

said city, which tax shall be collected in the same manner and by the same officer that other taxes are by law authorized to be collected in said city; and the fund so collected shall be kept by the treasurer of said city separate and distinct from all other funds, and shall be expended only for the support and maintenance of the public city schools.

§ 6. In addition to the poll-tax authorized by section three of chapter three, the council is authorized to assess against and collect from each male inhabitant of the city liable to such taxation under the laws of the State, another capitation tax of not more than two dollars for school purposes.

Fines.

§ 7. All fines and forfeitures incurred in the city and imposed by the mayor shall be paid into the treasury for the use of said city, and may be applied by the mayor and council in aid of the city schools, or for any other purposes.

§ 8. The council shall tax for school as for other purposes the property of non-residents; and such non-residents shall not, by reason of being so taxed, have any right to send their children to the city school, but the board of education may, in its discretion, permit such of them to do so as it may deem proper.

## CHAPTER VI.

### *General Provisions.*

§ 1. Every ordinance or resolution which has passed the board of councilmen shall be presented to the mayor, and, if he approves it, he shall sign it, and then it shall be obligatory; but if he disapproves, he shall return it, with his objections in writing, to the council, who shall then reconsider the same, and if two-thirds of the members concur in adopting it again, it shall be obligatory. The votes on the reconsideration shall be taken by the ayes and nays, and recorded in the city records. Should the mayor withhold a proposed ordinance or resolution beyond the

Ordinances to be signed by mayor.



day for the next regular meeting, and the council actually meet, if three days have intervened between the presentation to the mayor and such meeting, it shall be obligatory as if signed.

§ 2. All persons convicted of violating any of the laws or ordinances of the city of Paris, and failing to pay the fines therefor assessed against them, may be compelled to work upon the streets, alleys or lots within the limits of said city, or do and perform such other labor within said limits as may be designated by the proper authorities during the day, and confined in the county jail, or such other place of confinement as the city, under this act, may provide or adopt, at night, until the fines aforesaid assessed against them and the costs of the prosecution are discharged, at the rate of fifty cents per day: *Provided*, That no person shall be compelled to work as aforesaid who offers to and does pay or secure the fines imposed and the costs of the proceedings, in such manner as may by ordinance be prescribed.

Fines unpaid to be worked out.

§ 3. Lands within said city limits, used merely for agricultural purposes, shall not be subject to city taxation until the same shall be divided into and used as town lots of less than five acres. This shall not exempt from taxation for city purposes the lot on which the residence house stands, unless the inclosure embracing house, yard and garden contains five acres of land.

Agricultural lands exempt from city taxes.

§ 4. A true list of delinquent poll-tax-payers shall be made out and given by the collector to the clerk, who shall furnish a certified copy of same in alphabetical order to the officers of the election on the day of the election before the polls are opened.

Delinquent tax-list.

§ 5. Over all streets, alleys, squares and public places in the city limits opened, extended or accepted by the city at any time, its control, power and jurisdiction shall be the same, excepting so much of the court-house square as belongs to the county of Bourbon and the county jail; over these it shall have

Jurisdiction.

sanitary, police, criminal and penal jurisdiction, but no power of control inconsistent with the custodial and proprietary rights of the county.

Interest. § 6. Said city shall not contract to pay a rate of interest exceeding eight (8) per cent. per annum.

Improvements. § 7. The owners of lots fronting or abutting on streets on which the council may require sidewalks to be curbed and paved, shall have the right to make the same at their own cost and expense, but in all cases to be done in accordance with the ordinance of the common council as to the time, mode of construction, material, width and extent.

This act shall be judicially noticed. § 8. This act shall be a public act, and be judicially noticed and liberally construed by all courts in this State, and in pleading it shall not be necessary to recite the by-laws and ordinances of the mayor and council, but it shall be sufficient to refer to the date, general title and section. The rights and privileges herein granted shall not be taken away or affected by any law hereafter made, unless the corporation, as hereby constituted and continued, shall be expressly named therein, and the fact of any person being a citizen of the city of Paris shall not render such person incompetent to be a witness in any suit to which the city may be a party.

§ 9. So far as not provided for in this act, the council shall provide by ordinance for holding city elections, and all votes thereat shall be cast in such manner as said council shall so prescribe: *Provided*, That such ordinance shall not be so framed as to prevent any qualified elector from having a fair opportunity to cast his vote, and, until some other manner is so prescribed, the voting shall be *viva voce*, as at elections for county officers.

Tie vote. § 10. When there is a tie in the number of votes cast for any two or more candidates running for the same office, elective by the voters of the city, the election shall be determined by lot, in such manner as the

board of examiners for Bourbon county shall direct, in the presence of said board and the candidates.

§ 11. The provisions of article twelve, chapter thirty-three, of the General Statutes of this State, in force at the passage of this act, shall apply to the city elections herein provided for, except that section (1) one shall not apply at all; that the words "or send the same to the Secretary of State," in section (6) six, shall be considered stricken out; that the words "judge, sheriff or clerk," in the first line, and the words "judge or sheriff," in the fourth line of the eighth (8) section, shall be considered as stricken out, and in lieu of said words in each place the word "officer" as inserted; that the ninth (9) section shall not apply at all, but in lieu thereof it shall be considered that these words are inserted: "That any one who shall vote at any election, knowing that he is not a qualified elector, shall be fined from fifty to one hundred dollars, or imprisoned from ten to ninety days, or both." All prosecutions under this section of this act shall be conducted in every way as if the offense had been committed in relation to a State election.

§ 12. When any money is to be paid to the city, and no one else is expressly, or by fair implication, designated to collect or receive it, it must be paid to the collector, who shall give a receipt therefor to the person paying it, and himself turn it over to the treasurer.

§ 13. Whenever, by taking the steps required by this act, the city shall have acquired a claim for taxes against any person, or both a claim for taxes and a lien on his property for the same, and the council shall be of the opinion that such claim can be better collected by suit than by the proceedings prescribed by the charter, said council shall have the right to bring suit in the name of the city, at law or in equity, against said person for the amount of said taxes, and the costs and expenses of the proceedings, in any

court of the Commonwealth having jurisdiction of the amount in controversy and the kind of action. In such suit the city shall have judgment for whatever taxes may appear due and the costs. By proper allegations and prayer, it may have enforced any lien it may have on the property of the defendant for such taxes, and then the judgment and subsequent proceedings shall be the same as if the city had foreclosed a mortgage given by the defendant for the aforesaid amount on the property proceeded against.

§ 14. In addition to the other taxes authorized by this act, the council may levy on each one hundred dollars' worth of the property subject to taxation under section four of chapter three a tax of twenty cents, for the purpose of lighting the streets, alleys and other public places of the city.

§ 15. The mayor and council shall have power to require all peddlers and itinerant vendors of goods, wares, or merchandise, whether selling or offering to sell by sample or otherwise, in the city limits, to procure license from the city before so doing, and to enforce this provision by fine, not exceeding one hundred dollars, and each sale or offer to sell may be made a separate offense: *Provided*, Persons selling or offering to sell to merchants or dealers, goods, wares, or merchandise pertaining to the business of said merchant or dealer, and for the purpose or re-sale by him, shall not be required to procure license.

§ 16. The council may require license to be taken out for the following employments and businesses, namely: For any grocer, confectioner, victualer, hawker, or huckster, or other retailer, or any other merchant or dealer in dry goods, clothing, drugs, medicines, or any wares or merchandise of any kind; also for any lecture, theatrical exhibition, concert, show or performance for pay in the city: *Provided*, The mayor and council may allow any such entertainments to be given for charitable purposes without payment or license. They may require license

for any vehicle running in the city for profit or hire, including milk wagons, coal wagons or carts, water wagons or carts, ice wagons or carts, street sprinklers or other vehicles used by any one in the business of selling or delivering any of the above articles. They may require license for each billiard-table, pool-table, bowling-alley, or shooting-gallery; for each tavern, hotel, coffee-house, club-room and boarding-house; for each livery stable, pawnbroker, telegraph, and telephone office, insurance office or agency for an insurance company. For any business or employment not named herein the mayor and council may also require license, and by ordinance fix the rates therefor as for all named, and provide penalties for failure to take out such license as may be required.

§ 17. The mayor and council shall have power to provide by ordinance for the assessing and taxing of any property, goods, wares and merchandise brought into the city for business purposes after the time fixed for the annual assessment: *Provided*, The amount of tax assessed shall bear the same proportion to what would be a full assessment of the same property, goods, wares and merchandise, that the part of the year to expire after said property, goods, wares and merchandise are brought in bears to the entire year.

Powers of council to provide for assessment and taxation.

§ 18. All conveyances made by the city shall be authenticated by the signature of the mayor, and also that of the clerk, who shall likewise affix thereto the seal of the corporation.

Conveyances of city property.

§ 19. All ordinances, by-laws, regulations and resolutions in force at the time this charter takes effect, not inconsistent therewith, shall remain in force until altered or repealed, and all fines and forfeitures, liens and rights of action accrued to or against the city, before that time, shall remain unaffected, and may be enforced, prosecuted and recovered, and all proceedings relative to the same shall be carried on, in every respect, as if this charter had not taken effect.

Ordinances, etc.

§ 20. All penal proceedings for violations of the

charter or ordinances or by-laws of the city shall be by warrant, and in the name of the city, and all fines and penalties shall be for its use.

§ 21. The council shall have power to fix the compensation of all other city officers and of their own successors: *Provided*, A councilman shall not be allowed more than one and a half dollars for each session he may attend; and in the event he is allowed compensation, the mayor is authorized to fine him for failure to attend any session not exceeding five dollars.

§ 22. For serving each garnishment under section nineteen of chapter four, and making return thereof, the collector shall be allowed fifty cents. For making a sale of personal property in such proceeding, or under section five of chapter third, he shall be allowed one dollar. In all cases said amounts shall be charged as costs, and collected from the delinquent only as part of the taxes.

§ 23. All acts or parts of acts in conflict with this act are hereby repealed.

§ 24. This act shall take effect from its passage.

[Became a law March 28, 1890, without the approval of the Governor.]

## CHAPTER 470.

AN ACT to amend the charter of Bethel College, of Russellville.

WHEREAS, Two-thirds of the trustees of Bethel College have petitioned the General Assembly to amend the act, entitled "An act to incorporate Bethel College, at Russellville," approved March sixth, one thousand eight hundred and fifty-six, and the amendments thereto, as follows; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Randolph H. Caldwell, Reverend W. H.

Whitsett, Doctor Divinity, J. Guthrie Coke, J. B. Briggs, Doctor B. F. Kidd, Reverend P. H. Lockett, A. C. Hodges, V. A. Garnett, George W. Norton, Reverend J. M. Phillips, Doctor Divinity, J. W. Rust, Doctor of Laws, Reverend M. M. Riley, T. C. Clark and L. C. Long, and their successors as such, be, and they are hereby, incorporated a body-corporate, under the name of the "Trustees of Bethel College," and by that name may have perpetual succession; may have a common seal, which they may alter or change at pleasure, or may use their individual scrolls or seals, and may sue and be sued, plead or be impleaded, in any of the courts of this Commonwealth.

§ 2. That the "Trustees of Bethel College" shall meet annually in the town of Russellville on the day before the annual commencement of Bethel College, which now occurs on the second Thursday in June of each year; that three of said trustees shall go out of office annually in the following order, namely: The first three on the day of the annual meeting in June, one thousand eight hundred and ninety; the next three on the day of the next annual meeting; and so on, in the order in which they are named in the first section of this act; that the vacancies thus occasioned shall be filled by the trustees at each annual meeting; that a vote of two-thirds of the trustees present shall be necessary to an election; that each of the trustees shall hold his office for the term of five years; that in case a vacancy should occur through death, resignation or any other cause, the same shall be filled for the unexpired term by the trustees; that the trustees shall continue in office until their successors are elected: *Provided*, That no trustee shall continue in office for more than twelve months after his term has expired, unless he is re-elected; that not less than four-fifths of the trustees shall be members of regular Baptist Churches in the State of Kentucky; that not less than five trustees shall constitute a quorum for

the transaction of business ; that not less than five of the trustees shall reside in the town of Russellville ; that the period for holding the annual meeting of the trustees shall be determined by the period for holding the annual commencement of said college ; and that the trustees of said college may, upon due and sufficient notice being given to each trustee of the meeting at least thirty days previous to their action, change the day of the annual commencement.

§ 3. That said trustees and their successors are invested with full power to have, take, possess, purchase, hold or acquire, by gift or otherwise, lands, tenements, hereditaments, goods, chattels, or any other estates, real, personal or mixed, of all which they may and shall stand and be seized, notwithstanding any misnomer of the college or corporation thereof, and by whatever name, or however imperfectly the same shall be described in the gift, bequest or other instrument of donation : *Provided*, The true intent of the donor or benefactor be evident. Also to sell, convey, lease, use, appropriate or improve the same, according to the tenor of the donations and the uses, purposes and trusts to which they are seized thereof ; and full liberty, power and authority are hereby granted unto the said trustees and their successors to maintain a college or university located at Russellville, Kentucky, for the communication, diffusion and promotion of knowledge, which shall be known as "Bethel College," and with the money, estates and resources of which they are or shall, from time to time, become seized as trustees, as aforesaid, to endow said college or university ; and said trustees and their successors shall receive all gifts, conveyances, devises, bequests, legacies and donations which may hereafter be made to, or for the benefit of, said college or university ; and shall be, and are hereby, clothed and invested with the title thereto, and may apply or appropriate the same in such manner as, in their judgment, will best promote the interests of said



college or university : *Provided*, That they shall not apply such funds, estates or resources to such objects or purposes as shall be contrary to the terms and conditions expressed in said gifts, conveyances, devises, bequests, legacies and donations, or to the laws of the land.

§ 4. That all the acts of a quorum of said board of trustees, convened at any time in the town of Russellville, shall be binding on said corporation, unless repealed by a majority of the trustees at any annual meeting ; and said trustees shall be governed by such by-laws, regulations and provisions, not inconsistent with this act, or the laws of the land, as may be adopted by a majority of said board of trustees at any annual meeting, except for the removal of the college or university. The secretary of said board shall keep a written record or register of the proceedings of said board, which shall be kept open for public inspection, and shall be received as *prima facie* evidence in all the courts of law and equity in this Commonwealth.

Acts of a quorum  
binding.

Secretary to  
keep record.

§ 5. That the officers of said board shall be a president, secretary and treasurer, who shall be elected for such periods, and assigned such duties, as a majority of the board may, by their by-laws, determine ; that all contracts, agreements and deeds made by order of the board of trustees, and signed by the president and secretary of said board, with the college or university seal, or with their individual seals or scrolls attached, shall be valid and binding on said corporation ; or such other mode of authentication may be used by the board as may be adopted by the by-laws of said trustees : *Provided*, That said board of trustees shall not be subject to the control of, or be made liable for, the contracts, engagements or liabilities of any other board, person or persons, corporate or incorporate : *Provided further*, That no person or persons, acting in good faith as trustee or trustees of Bethel College or university, shall be made individually liable, in his

Officers.

private estate or property, for any contracts, obligations or liabilities, assumed or entered into as a trustee or trustees as aforesaid.

Responsibility. § 6. That the trustees of Bethel College or university, as established by this act, shall act and be responsible as the successor of the board of trustees of Bethel High School, as established by the act to incorporate said high school, approved March ninth, one thousand eight hundred and fifty-four, with regard to all devises, legacies, bequests, donations and conveyances which may have been made to said board, and with regard to all property or estate, real or personal, received or held by and belonging to said board. That so much of the act, entitled "An act to incorporate the Bethel High School at Russellville," approved March ninth, one thousand eight hundred and fifty-four, as may be inconsistent with the provisions of this act, be, and the same is hereby, repealed: *Provided, however,* That the trustees of Bethel College or university, as hereby incorporated, shall be entitled to the benefit of all acts passed for the benefit of the trustees of Bethel High School; that all acts of the board of trustees, and all titles, conveyances, deeds or contracts made by them under former charters of said college or high school, or amendments thereto, or under any acts of the General Assembly for the benefit of said high school or college, not in conflict with the provisions of this act or the laws of the land; and notwithstanding any errors and imperfections in the charter or acts of the General Assembly, are hereby confirmed and established; and all previous acts of the General Assembly, for the benefit of the said high school or college, conflicting with the provisions of this act, are hereby repealed and declared null and void.

Power to fix  
number of offi-  
cers, etc.

§ 7. That the trustees of the said Bethel College or university shall have, and are hereby invested with, power and authority to determine and fix, from time to time, the number of officers, professors and teach-

ers of said college or university, and from time to time to establish new professorships, tutorships and offices, and to abolish those which have been established, and to employ, designate and appoint, or remove a president or chairman of the faculty, professors, teachers and other officers for the executing, control and management of the internal affairs of the said college or university, to be known and designated as the faculty of Bethel College.

§ 8. That said board of trustees may have a college seal, with any suitable device or inscription thereon, and may break, alter or amend the same, and shall have power, upon the recommendation of the faculty, to confer the learned degrees; and the president and secretary of the said board of trustees shall have authority to affix their signatures, with the college seal attached, the signatures of the faculty accompanying them, to all diplomas granted by the trustees of said college.

§ 9. The faculty may, under the direction and with the consent of the board of trustees, adopt such regulations for the discipline and internal management of the college and of the students, as are not inconsistent with sound public policy or the laws of the land; and said faculty may inflict suitable penalties for minor offenses upon the students of the college; may dismiss or exclude any student or students who may be guilty of a violation of said regulations or any of them: *Provided*, That any student or professor who may feel aggrieved by the action of the faculty can appeal to the board of trustees, whose action shall be final in the matter.

§ 10. That the trustees, president, professors, other officers of the said college, and the students in attendance thereon, are exempt from serving on juries, and from all military or manual services, except in case of an invasion.

§ 11. That in case that, at any time heretofore or hereafter, through oversight or otherwise, through

misapprehension and mistaken construction of the powers, liberties and franchises contained in this charter, or the amendments thereto, any law has been or shall be enacted, or any matter done and transacted by this corporation contrary to the tenor of this charter or of the amendments thereto, it is hereby enacted, ordained and declared that all such laws, acts and doings shall be in themselves null and void; yet nevertheless the same shall not, in any court of law or equity, or by the General Assembly, be deemed, taken, interpreted or adjudged into an avoidance, defeasance or forfeiture of this charter, but the same shall be and remain unhurt, inviolate and entire unto the said corporation in perpetual succession; which corporation may at all times and forever hereafter proceed and continue to act; and all their acts conformable to the powers, tenor and true intent and meaning of this charter, and the amendments thereto, shall be and remain in full force and validity, the nullity and avoidance of any such illegal act or acts to the contrary in any wise notwithstanding.

§ 12. That all acts or parts of acts in conflict herewith are hereby repealed.

13. That this act shall take effect and be in force from and after its passage.

[Became a law March 31, 1890, without the approval of the Governor.]

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## CHAPTER 471.

AN ACT to repeal an act, entitled "An act for the benefit of the tax-payers of Lyon county," approved February sixth, one thousand eight hundred and seventy-eight, and also to repeal an act amendatory thereof, approved April second, one thousand eight hundred and eighty.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act for the benefit of the tax-payers of Lyon county," approved February

the sixth, one thousand eight hundred and seventy-eight, and also an act amendatory of said act, approved April second, one thousand eight hundred and eighty, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved April 1, 1890.

## CHAPTER 472.

AN ACT to amend an act, entitled "An act incorporating the Covington and Cincinnati Bridge Company," approved February tenth, one thousand eight hundred and forty-six.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act incorporating the Covington and Cincinnati Bridge Company," approved February tenth, one thousand eight hundred and forty-six, be, and the same is, amended to the effect following, namely: It shall be unlawful for any person or corporation to charge, collect, demand or receive for passage, carriage or transportation on or over any ferry or ferry-boat owned, controlled or operated on the Ohio river, under the act mentioned in the title of this act, and the amendments thereto, any toll, fare, compensation, reward or thing of value whatever, greater than, or in excess of, the following rates, namely: For passengers on foot, one cent for a single crossing, or twenty-five crossings for twenty cents; for vehicles drawn by one horse, eight cents for a single crossing, or eight crossings for fifty cents, or sixteen crossings for one dollar; for vehicles drawn by two horses, twelve cents for a single crossing, or six crossings for fifty cents, or twelve crossings for one dollar; for vehicles drawn by three horses, fifteen cents for a single crossing, or ten crossings for one

Rates of toll.

dollar; for vehicles drawn by four horses, eighteen cents for a single crossing, or eight crossings for one dollar; for vehicles drawn by more than four horses, three cents for every horse more than four; for horse with rider, five cents; for timber wheels drawn by two horses, fifteen cents; for timber wheels drawn by four horses, twenty-five cents; for timber wheels drawn by six horses, thirty-five cents; for cattle, horses or mules per head, three cents; for hogs or sheep per head, two cents; for loads weighing ten tons or more, fifty cents; for vehicles in tow, the same toll charged for vehicles drawn by one horse.

Tickets of fare. § 2. The said The Covington and Cincinnati Bridge Company shall sell to all applicants therefor, in quantities desired by the applicants, tickets for passage, carriage and transportation on and over every ferry or ferry-boat owned, controlled or operated by it on the Ohio river, according to the divisions, classifications, and at not greater rates than the maximum rates fixed in the first section of this act; and such tickets shall entitle the holder to passage, carriage and transportation either way, on and over such ferry and ferry-boats, and said tickets shall continuously be kept on sale upon the boats used in the running and operation of such ferry during all of the time of each and every day that said ferry and ferry-boats are by this act required to be run and operated; and the corporation mentioned in the title of this act shall, on each boat used in the conduct of said ferry, keep conspicuously posted a schedule of the tolls that may be fixed in pursuance of the provisions of this act.

Hours for running. § 3. The said The Covington and Cincinnati Bridge Company shall run and operate its ferry-boat or boats between the cities of Covington, in this Commonwealth, and Cincinnati, in the State of Ohio, from the hour of half-past five o'clock ante meridian until seven o'clock post meridian of each and every day, and with such frequency as to afford to the public passage, carriage and transportation from the said

city of Covington to the said city of Cincinnati not less than once every twenty minutes of the time during which said boat or boats are by this act required to be run.

§ 4. Every violation of, or failure to comply with <sup>Penalty.</sup> any provision or requirement of this act, shall subject the person or corporation so offending to a fine of not less than one hundred dollars and not more than one thousand dollars, to be recoverable by the Commonwealth of Kentucky by indictment in any court of competent jurisdiction.

§ 5. Nothing in this act shall operate as a waiver or relinquishment of any forfeiture, or ground or cause for forfeiture, of any right, power, franchise, privilege or immunity that may have been incurred by the said The Covington and Cincinnati Bridge Company.

§ 6. This act shall be in force from its passage.

Approved March 31, 1890.

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## CHAPTER 473.

AN ACT to incorporate the North Middletown Chapter, number twenty-six, R. A. M., at North Middletown, Bourbon county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That E. K. Thomas, A. Dettwiller and J. B. Stivers, and their associates, be, and are hereby, created a body-corporate, by the name and style of the North Middletown Chapter, twenty-six, R. A. M., with the same rights to contract and be contracted with, sue and be sued, that natural persons have; they may make by-laws and regulations for their government: *Provided*, The same be not in conflict with the Constitution or laws of this State or of the United States, and have and alter at pleasure a common seal. They shall have all the rights and privileges generally pertaining to such incorporated

Masonic chapters in this State, including the right and power to hold real estate not exceeding five thousand dollars in value, and to sell and convey any real estate that they may own or acquire, more particularly that which now belongs to them, located in North Middletown, Bourbon county, Kentucky, their interest in which was acquired by virtue of the provisions of a deed from John D. Hearne to S. T. Dobyns, of record in deed-book number fifty-four, page two hundred and seventy-eight, of the Bourbon county clerk's office. Their deeds of conveyance shall be authenticated by the official signature of the highest Masonic officer of said chapter, and their seal, if they have one.

§ 2. The General Assembly reserves the right to alter, amend or repeal this charter at any time; and this act takes effect from its passage.

Approved April 2, 1890.

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## CHAPTER 474.

AN ACT to make provision for the establishment of water-works in the city of Stanford, and authorize city council of the city of Stanford to issue bonds to aid in the establishment of water-works for said city, and to provide for the payment of the principal and interest of said bonds.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Issue bonds

§ 1. That the city council of the city of Stanford, in Lincoln county, be, and it is hereby, authorized and empowered to issue the bonds of said city to an amount not to exceed, in the aggregate, twenty thousand dollars, and of a denomination to be fixed by said council, not to be less than one hundred nor more than five hundred dollars each, and bearing interest at the rate of six per centum per annum, payable semi-annually on the first day of January and July of



each year, from the date of their issue until paid ; said bonds to be due and payable thirty years after the date of their issue, but with the privilege to said city of paying off the whole or any part of same at any time it may elect after two years shall have elapsed from the date of the issue of same, which bonds the said council is authorized and empowered to place upon the market and sell publicly or privately, and in such manner as said council may direct, for cash : *Provided*, That none of said bonds shall be sold for less than the par or face value thereof ; said bonds shall have interest coupons.

§ 2. The whole of the proceeds of the sale of said Water-works. bonds shall be expended in the erection of water-works and the purchase of grounds and water rights and privileges therefor for the use of said city, or for the payment of subscription to stock in any incorporated company which may be organized for the purpose of establishing and operating a system of water-works to supply said city with water.

§ 3. For the purpose of enabling said city of Stan- Sinking fund. ford to pay the interest and principal of said bonds, the said city of Stanford, through its council, is hereby authorized and empowered to create a sinking fund, the resources whereof shall be the whole of all fines which may be collected for the use of said city, all the revenue derived by said city from all license taxes whatever, except license tax upon the sales of spirituous, vinous and malt liquors, of which one-third only shall be devoted to said purpose ; and all the revenue, dividends or income which may be derived by said city from its water-works established with the proceeds of sale of the bonds aforesaid, or from dividends upon any stock in a water company purchased with such proceeds : *Provided*, That the whole amount of such sinking fund herein provided for shall not exceed two thousand dollars per annum ; and if, during any year, it should exceed said amount,

such excess shall be carried to the general revenue of said city.

Bonds not issued  
until voted by  
people.

§ 4. The bonds provided for by this act shall not be issued unless authorized by the vote of the legal voters of said city at a regular election, to be held upon the question of the authority of the city council of said city to issue same and to establish water-works; and at the regular election for councilmen for said city, to be held on the first Saturday in April, one thousand eight hundred and ninety, the city council of said city shall cause a poll to be opened upon this question, and if a majority of those voting thereon at said election shall be in favor thereof, then the city council shall take the necessary steps to erect, or to cause to be erected, water-works for said city. The question to be propounded to voters at said election shall be "Are you for or against the issue of bonds to aid in the establishment of water-works?" and the result of said election shall be certified and returned in the same manner as the election of councilmen.

§ 5. If, at the election provided for by the fourth section of this act, a majority of those voting shall be opposed to the issue of said bonds, the same may be again submitted at any subsequent regular election of councilmen: *Provided*, That no such subsequent submission shall be made unless a petition therefor, signed by not less than fifty citizens of said city, shall be presented to the council.

Bonds to be  
signed.

§ 6. The bonds provided for by this act, if issued, shall be signed by the mayor and clerk. They shall be sold by a committee appointed by the council, of which committee the city treasurer shall be a member, and he shall receive the proceeds and be responsible upon his official bond therefor.

Council to fix  
rates in certain  
case.

§ 7. Should the city council of said city, at its own expense, establish water-works, and be the sole owner thereof, it may fix such rates for compensation for the use of water therefrom by the citizens of said town, and citizens residing within one mile of the

limits of said town, and by corporations doing business in said town, or within one mile of the limits of said town, as it may deem proper.

§ 8. Said city may lay pipes under all roads leading May lay pipes on roads and streets into and through said city, through said city and for one mile in any and all directions beyond the limits of said city, and may condemn ways for the laying of its pipe lines, and for water rights and privileges, and for water-works grounds, and for all other necessary uses in the establishment of water-works where it can not agree and make purchase of such rights of way, rights, privileges and grounds; and the same power shall be had by any incorporated company authorized by said city to establish and operate a system of water-works to supply said city with water.

§ 9. For the purpose of securing the payments of May mortgage water-works. bonds issued in aid of the establishment of said water-works for the city of Stanford, the city of Stanford, through its common council, may mortgage the water-works property to secure the bonds issued in aid of the said enterprise.

§ 10. This act shall take effect from its passage.

Approved April 2, 1890.

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## CHAPTER 475.

AN ACT to incorporate the People's Savings Bank and Trust Company of Newport, Campbell county, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That George W. Robson, Junior, W. C. McClain, Incorporation. Casper Heeg, F. A. Antenhermer, J. J. Hetsch, Henry M. Healy and John Trapp, all of Campbell county, Kentucky, and all other persons who shall hereafter become stockholders of the company hereby incorporated, shall be a body corporate, by the name of the

"People" Savings Bank and Trust Company of Newport, Campbell county, Kentucky, and by that name shall have perpetual succession, and may contract and be contracted with, sue and be sued, plead and be impleaded, and have all the powers hereinafter given; and may have and use a common seal, and alter the same at pleasure.

Capital stock.

§ 2. The capital stock of the corporation shall consist of two thousand shares of the par value of twenty-five dollars each, fifty per cent. of which must be paid up; but the capital stock may, at any annual or special meeting of the stockholders, be increased to any sum not exceeding five hundred thousand dollars, or may, from time to time, at such meetings, be increased to the sum aforesaid: *Provided*, That at least three-fifths of the stock outstanding at the time of any such meeting or meetings shall vote for the said increase; and the stock so issued shall be first offered to said stockholders in amounts pro rata with their respective holdings: *Provided, however*, That none of said increased stock shall be taken or sold by the company for less than its face or par value paid up.

Subscriptions for stock.

§ 3. The corporators named in the first section, or a majority of them, are hereby empowered to open books for subscription at such times and places as to them may seem expedient, and when at least one thousand shares shall have been subscribed and fifty per centum thereon paid in, may proceed to elect a board of directors, to be composed of not less than five nor more than fifteen stockholders of the company. The directors so elected are to serve until the next annual election, which shall be on the second Wednesday of January of each year, or until their successors are elected and qualified; and no one but a citizen of Kentucky, and the owner of at least twenty shares of the capital stock of the company, shall be qualified to act as director of this corporation. The directors of the company, when it shall have been organized, may, and they are hereby, authorized and

empowered to have and to exercise, in the name and in behalf of the company, all the rights and privileges which are hereby given, subject only to such liabilities as other share-holders are liable to, which liabilities are no more than for the payment to the company of the sums due or to become due on the shares held by them.

§ 4. The principal office of the company shall be in the city of Newport, Kentucky. The board of directors shall keep a record of the proceedings.

§ 5. Immediately succeeding their own election, or Election. as soon thereafter as practicable, the directors, at a meeting of the board of directors held for that purpose, shall elect from their number a president and a vice-president, who shall hold their offices for one year, and until their successors are elected and qualified. But said officers may, at any time, be removed by a two-thirds vote of the full board of directors. The board of directors may appoint a secretary and a treasurer, and such other officers, clerks, agents and employes as the business of the company may require, and fix their compensation; and may require of any and all officers, agents or employes of the company bonds for the faithful performance of their duties; and all such, excepting the vice-president, may be discharged by the president, subject to approval by a majority of a board meeting.

§ 6. At all stockholders' meetings a quorum shall Stockholders' meetings. be constituted by the representation of at least one-third of the capital stock outstanding; and a majority of the board of directors shall be a quorum of that body. At all elections of directors the voting shall be *viva voce*, and every stockholder shall be entitled to one vote for each director for each and every share of stock owned by him, and voting may be done by proxy.

§ 7. The board of directors shall make and establish all by-laws necessary for conducting the business of a corporation, and may alter, amend or repeal the By-laws.

same in the manner in that instrument provided ; and shall have power to require the payment of the amount remaining unpaid on the stock of the corporation at such times and in such portions as they shall think proper, and the corporation shall have a lien on the stock for any amount that may be due thereon.

Interest on deposits.

§ 8. This corporation shall have the right and power to receive money on deposit, and to do all things that it is law for other banks in Kentucky to do ; and it may allow the depositors, if the corporation chooses so to contract, interest on deposits at a rate not exceeding four per cent. per annum, or may provide in its by-laws for the payment of interest, or dividends in lieu of interest, upon such terms as it may deem advisable ; and all lands purchased by this corporation in satisfaction of debts shall be disposed of by said corporation within five years from the date of purchase ; and if not disposed of within that time, must be exposed to public sale at the end of five years from the date of said purchase.

May acquire property.

§ 9. Said corporation may purchase, erect or lease a lot and building, or premises containing a strong and commodious safety vault, and a number of small compartments or boxes designed and adapted for renting to persons or corporations who desire to have a safe deposit for valuables ; and said corporation is hereby empowered to rent out the boxes in such safety vault to such persons, and for such sums of money, and for such time as may be agreed between such corporation and such persons as may jointly or severally rent one or more of said boxes or compartments.

Deposits.

§ 10. Said corporation is hereby empowered to receive for safe-keeping any valuables that may be intrusted to it, receipting for the same by its president, vice-president or secretary, and may guarantee such special deposits for such compensation as may be agreed upon between said corporation and said depositors.

§ 11. The said corporation may be appointed and may act as guardian of infants, as executor or administrator, or committee of idiots or lunatics, as receiver, assignee or other trustee, whether appointed by deed, by last will and testament, by any court within the Commonwealth, or in any other manner not inconsistent with law. It may receive and hold in trust estates, real and personal, including the notes, bonds, obligations and accounts of estates and individuals, companies and corporations, private or public, and may in its fiduciary capacity purchase, collect, adjust and settle, sell and dispose of the same in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estates, receiving and collecting rents and other moneys, in the issuing and countersigning of certificates of stock, bonds or other obligations of any corporation or municipality, State or public authority, and may receive and manage any sinking funds therefor; and may accept and execute and guarantee all such trusts of every description, not inconsistent with the laws of the State, as may be committed to it by any person or persons, or by any corporation, or by any court of record of this or any other State. It shall have a trust department, and all of its business of a fiduciary character shall be kept in a separate and special set of books.

§ 12. One-half of the capital stock paid in shall be invested in such securities, at such rates of interest as they promise to pay, as are authorized by law for trustees; and from time to time shall be reinvested in the same, and shall be kept separate and apart from other investments, and designated on the books of the company as investments of trust capital; and it shall be the duty of the company, through its president and secretary, to make a detail statement annually (or oftener if so required) to such court or courts as may have committed any trust or trusts to said company of all such investments, together

Investments.

Annual statement.

with a statement, as near as practicable, of the value of the estates and property so committed by said court to said company, which statement shall be verified by the oath of one of said officers; and all said trust capital shall be specially and primarily liable for the obligations of said company as executor, administrator, guardian, receiver, assignee or trustee, in any other capacity, and shall not be liable for any other debt or obligation of the company until all its obligations in regard to its trusts as aforesaid shall have been first duly met and discharged. The residue of the capital and other moneys in the hands of the company may be loaned or invested in such manner as may be determined by the corporation. Said corporation shall keep a complete set of books, showing receipts and disbursements of money, and giving a full and correct account of all its transactions in each and all the trusts committed to its care, which books shall be opened to the inspection of the court committing such trusts to its care, and to the parties in interest, at such time as said court may direct.

## Security

§ 13. The capital of said company shall be taken and considered as the security required by law for the faithful performance of its duties, and other security shall not be required upon its appointment to any of the offices or duties mentioned herein, except when required by the courts or by parties in interest, and shall also be taken and accepted as the only surety or security required by law on any bond or bonds required or necessary to be executed by said company as guardian, committee of the person or persons of unsound mind, in proceedings to sell the real property of persons under disability, as provided by the Civil Code of Practice, title ten, chapter fourteen, or upon any other bond or bonds required or necessary to be executed by said company as guardian, trustee, committee or otherwise, or upon any bond of indemnity, or other bond or bonds



which may be required of said company in the course of any judicial proceeding, or in the prosecution of any remedy allowed by law to it in any of its fiducial capacities ; but any court having jurisdiction to make or approve such appointments shall have power, before making or approving the same, and at any time thereafter, to examine the officers of the company, under oath or affirmation, as to the security aforesaid, and the amount and extent of its fiducial liabilities ; and, if deemed advisable by said court or courts to appoint a suitable person to investigate the affairs and management of said company, who shall report to such court the manner in which its investments are made, and the security offered to those by or for whom its engagements are held, the expense of such investigation to be paid by said company.

§ 14. In the exercise by said company of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty imposed by the courts, or otherwise committed to said company, it shall be subject to the same duties and responsibilities, shall have the same powers, and shall receive the same compensation, as may be fixed by law with relation to individuals holding similar offices or trusts, except as herein otherwise specially provided. The exercise of the other powers, and the performance of other duties by said company, may be, as to compensation and otherwise, matters of contract with the parties interested.

Liability as guardian, etc.

§ 15. Said corporation may, from time to time, declare and pay dividends, but such dividends shall be paid only from the net earnings of the company.

Dividends.

§ 16. The promissory notes, payable to any person or persons or to a corporation, and payable and negotiable at the office of the said company in Newport, Kentucky, which shall be indorsed to and discounted by any incorporated bank under any law of this Commonwealth, or organized in this Commonwealth under any law of the United States, shall be, and they are

hereby, placed on the same footing as foreign bills of exchange.

§ 17. This act shall take effect and be in force from and after its passage.

Approved April 2, 1890.

## CHAPTER 476.

AN ACT to incorporate "Mitchell, Finch and Company's Bank," of Maysville, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Capital stock

§ 1. There is hereby established a bank in the city of Maysville, in Mason county, Kentucky, with a capital stock of fifty thousand dollars, divided into shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified. The subscribers for said shares of stock, their successors and assigns, shall be, and are hereby, created a body-politic and corporate, by the name of "Mitchell, Finch and Company's Bank." Said corporation shall continue and have succession for thirty years from the date of its organization; and by said corporate name shall have and may exercise all the rights and privileges of a natural person in contracting and being contracted with, suing and being sued, and pleading, answering and defending, in any court or place whatever; and may have and use a common corporate seal, and may change the same at pleasure.

May increase capital stock.

§ 2. The capital stock of said bank shall be fifty thousand dollars; but at any time after its organization, and after said fifty thousand dollars have been fully paid up, the majority in interest of the stockholders may increase said capital stock up to any amount not exceeding two hundred thousand dollars: *Provided*, That fifty per centum of said increase capital shall be paid in within six months after the stock is increased.

§ 3. The said bank shall be under the control of its Directors. board of directors, which shall consist of three members, each of whom shall be a stockholder, and a majority of whom shall be residents of Mason county. The majority in interest of the stockholders may, at any time, increase the number of members of said board to not exceeding seven in all. Said directors shall, after the first election, be chosen on the second Tuesday in January of each year, or if, for any cause, an election shall not be held on that day, then as soon thereafter as may be practicable, after ten days' notice thereof shall have been given in some newspaper published in Maysville. In elections for directors, and in all other matters which shall come before the stockholders of said bank to be determined by them, each stockholder shall be entitled to one vote for each share of stock held by him. Said directors shall hold their offices until their successors are elected and qualified. They shall elect one of their number president of said bank, and may, if they deem proper, elect another of their number vice-president, each of whom shall hold his office until the next regular annual election for directors, and until his successor is chosen and qualified. In case of the death, resignation or removal of any director or other officer, the vacancy thus caused shall be filled by said board.

§ 4. The board of directors shall hold regular meetings at such times as they may fix, and may hold special meetings when they deem it necessary or proper. Meetings. They shall have power to declare dividends arising out of the profits of the business of the bank; and may appoint such officers, agents and employes as they may deem necessary to properly conduct the business of said bank, and pay them for their services, and may take such bonds from the cashier or other employe of said bank as they may deem necessary to secure a faithful performance of their respective duties. They shall have all such incidental powers as may be necessary to carry on the business of bank-

ing ; and may make and enforce such by-laws as they may deem needful for the proper management and control of the affairs of the bank : *Provided*, The same be not inconsistent with the Constitution or laws of this State or of the United States.

When to begin  
business.

§ 5. James M. Mitchell, A. Finch and John D. Bruer are hereby appointed commissioners to open books for subscription to the capital stock of said bank ; and when shares to the amount of fifty thousand dollars shall have been subscribed for, it shall be the duty of said commissioners to give notice in one or more newspapers, fixing a day and place for the stockholders to meet and elect a board of directors to serve until the next ensuing second Tuesday in January, or until their successors are duly elected and qualified. The payment of the shares subscribed shall be made in such installments and at such times as the board of directors may order ; but said bank shall not begin business until its fifty thousand dollars of capital stock has been fully paid up.

Discount and de-  
posit.

§ 6. Said bank may receive deposits of gold, silver, bullion, currency, or any thing circulating lawfully as money, and repay the same in such manner, at such times, and with such interest, not to exceed the rate fixed by law, as may be agreed upon with the depositors. It may borrow and lend money, buy, sell, discount and negotiate bills of exchange, promissory notes, checks, drafts, bonds, stocks, mortgages and other evidences of debt ; may take personal or other kind of securities for the payment of obligations, and may exercise all such incidental powers as shall be necessary to carry on a general banking business.

May acquire  
property

§ 7. Said bank may acquire, hold and use all such real estate, goods and chattels, as may be needful or proper for the transaction of its business, or which may be transferred or conveyed to it as security for or in satisfaction of any debt, judgment or decree : *Provided*, That real estate acquired for debts due the bank shall be sold within five years after purchase.

§ 8. Every stockholder of said bank shall be liable to the creditors thereof for an amount equal to the amount of stock held by him. This liability is in addition to the liability of each stockholder to the bank for the stock subscribed for or held by him. The individual property of the stockholders shall not be further liable for the debts of the bank. Liability of stockholders.

§ 9. The shares of stock in said bank shall be transferable only on the books of the bank by a written transfer thereon, signed by the transferring stockholder in person or by attorney. Transfer of stock.

§ 10. Said bank shall have a lien on the stock of each stockholder to secure any indebtedness of said stockholder to the bank for unpaid balance on stock. Lien on unpaid stock.

§ 11. In case the majority in interest of the stockholders of said bank shall determine to increase the capital stock thereof, as hereinbefore provided for, then the holders of the old stock shall have the privilege of taking an amount of shares in said increased capital in proportion to the amount of stock then held by each of them, in preference to other persons. Increase of capital stock.

§ 12. Minors and married women may make deposits in said bank, and may give checks, receipts and acquittances therefor, which shall be valid to the same extent as if said depositors were not under disability. Minors and married women may deposit.

§ 13. Before entering upon the discharge of their respective duties, the president, directors and other officers of the said bank shall take an oath before some person authorized by law to administer an oath, to faithfully and honestly discharge all the duties incumbent upon them under the provisions of this charter and the general law. Oath of office.

§ 14. The provisions of the General Statutes upon the subject of the taxation of banks shall apply to the bank hereby incorporated.

§ 15. This act shall take effect and be in force from and after its passage.

Approved April 2, 1890.

## CHAPTER 477.

AN ACT to incorporate and define the corporate limits of the town of Fallsburg, in Lawrence county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporate and  
politic power to  
sue and be sued.

§ 1. That the town of Fallsburg, in Lawrence county, be, and the same is hereby, created a body-corporate and politic, with powers to sue and be sued, contract and be contracted with, under the name and style of the "Town of Fallsburg;" and the boundary line and corporate limits of said town shall be as follows, namely: Beginning at Cat bridge; thence a straight line to a low gap at county road near William Culwell; thence a straight line to George Yates'; thence down branch to William Savage's; thence a straight line to county road on ridge near Floyd Elkin's; thence running with the ridge to the head of Horse Ford branch; thence with ridge to Joe Morrow's; thence a straight line to the beginning.

Board trustees.

§ 2. The fiscal, prudential, government, control and municipal affairs of said town of Fallsburg shall be vested in a board of trustees, which shall be composed of five members, and shall be known and designated as the board of trustees of the town of Fallsburg. Three of said trustees shall constitute a quorum for the transaction of business, all of whom shall be citizens of the State, and shall have resided in said town, and *bona fide* house-keepers, one year next preceding their election, and take an oath before entering upon the duties of their office faithfully to perform the same.

Duties and powers of trustees.

§ 3. That said trustees and their successors in office shall be a body-politic and corporate, and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of defending and being defended, in all courts of this Commonwealth; and may use or not use a common seal, and shall be

vested with all general powers conferred by the laws of this Commonwealth on bodies-corporate of like character.

§ 4. Said trustees shall be elected on the first Saturday in May, one thousand eight hundred and ninety, and annually thereafter by the male inhabitants of said town entitled to vote at the general State election for Representatives in this General Assembly: *Provided, however,* That no person shall be entitled to vote for trustee until he shall have paid his poll-tax for that and preceding years, and all arrearages and taxes by him due said town. The said trustees shall hold their offices for one year, and until their successors shall have been elected and qualified, and shall have power to fill any vacancy which may occur in their body; but if any trustee elected at annual election shall refuse to qualify and serve, the board shall immediately appoint a trustee or trustees to supply his or their place. It shall be the duty of the board to appoint one of their own number chairman, who shall Election of trustees. preside at all their meetings, and in case of his absence, may appoint a chairman *pro tempore*, and in case of his death, removal from the town, or vacation of his seat, the trustees may appoint another in his stead. The election for trustees shall be held in said Place of election. town by two judges, a sheriff, and a clerk, who shall be sworn as all other election officers are required to be sworn under general laws, and to be appointed by the board, and shall be conducted, in all respects, as elections under the State laws; and the penalties imposed by the election laws of the State shall apply to offenses committed at said elections. The trustees may, from time to time, fix and regulate the time of their regular meeting, and shall hold at least one regular meeting each month; and may prescribe the mode in which special meetings may be called, and may inflict a penalty not exceeding one dollar on any member for non-attendance at any one meeting, to be President.

applied to the purchase of stationery, light and fuel for said board.

§ 5. A police judge and town marshal shall be elected by the qualified voters of said town of Fallsburg, on the first Saturday in May, one thousand eight hundred and ninety, and biennially thereafter, each to hold their office for the term of two years, and until their successors are elected and qualified. The polls of the election of trustees, police judge and town marshal shall be returned to the county court of Lawrence county at the first term after said election, and the said county court shall certify the result of the election, so far as the election of police judge is concerned, to the Governor of the State, whose duty it shall be to issue a commission for the person elected to the office of police judge, who shall be a judicial officer, to be styled the police judge of the town of Fallsburg.

Take oath of office.

Jurisdiction of police judge.

§ 6. The police judge, before he enters on the duties of his office, shall take an oath before some officer authorized to administer an oath under the laws of this State, to discharge the duties of his office faithfully and impartially to the best of his ability, without favor or affection, together with such other oaths as other public officers may be required by the law and the Constitution to take. The police judge shall have jurisdiction within the limits of said town in any cases, civil and penal, concurrent with the jurisdiction of the justice of the peace of Lawrence county; and the Civil Code of Practice shall regulate the proceedings before the police judge in civil cases tried before him. And the police judge shall have the jurisdiction now given by law to justices of the peace within said town in civil actions and penal prosecutions. He shall have jurisdiction of all offenses exclusively arising under the by-laws and ordinances of said town, and shall have power and authority to grant injunction or restraining orders in equity, writs of *ne exeat* and *habeas corpus*; and it shall be the duty of said judge to keep a rec-



ord of his proceedings, a copy of which shall be Keep record of proceedings. evidence in all courts of record within this Commonwealth. He shall have power to fine and imprison for contempt: *Provided*, Said fine shall, in no case, exceed ten dollars, nor imprisonment more than twelve hours. He shall have power to order marshal, Execute process. or other officer authorized to execute process in his court, to summons a jury in any cause cognizable before him, when a jury will be required before a circuit court or a justice of the peace, and to compel their attendance. He shall be conservator of the peace, and shall *ex officio* proceed against violators of the statute laws of this Commonwealth, and the by-laws and ordinances of the board of trustees, without the need of an informer; shall have the same power as an examiner of said county in taking depositions, and be governed by the same rules. Said police judge shall be entitled to the same fees as are now, or may hereafter be, allowed by law to justices of the peace for similar services.

§ 7. The police judge of said town shall commit to Police judge. the town lock-up of Fallsburg all persons liable to commitment for violations of the criminal and penal laws of this Commonwealth, which are committed in said town, and for breaches of the ordinances of said town, and the marshal of said town shall receive and keep all persons so committed by said police judge: *Provided*, That the fees for taking care of all persons committed to said lock-up by said judge shall be allowed by the board of trustees, and paid out of the town treasury of said town.

§ 8. It shall be the imperative duty of the police judge of said town to commit to the lock-up all persons who shall fail to pay or replevy, with good personal surety or sureties, the fines and costs of proceedings assessed against them; and unless such fines and costs shall be replevied or paid, the defendant shall remain in the lock-up for a period not exceeding one day for each one dollar of the fine.

Police judge—  
time of holding  
court.

§ 9. The police judge shall hold his court for the trial of civil actions on the second Monday in every month ; and he shall have a right to continue his court until all the business before him is completed or disposed of. His court shall be open at all times for the trial of any breach of the penal and criminal laws, or of the by-laws and ordinances of said town, and shall hold said trials without regard to the time of service of process, but shall continue from time to time for good cause shown.

Appeals from  
police court.

§ 10. That upon all judgments by the police judge, either party shall have right to appeal from said judgment in the same manner and upon the same terms appeals are taken from justices of the peace in similar cases.

Absence of police  
judge.

§ 11. In the absence of the police judge, or his inability to attend and hold his courts, or office is vacant, the nearest justice of the peace is hereby authorized and empowered to hold his courts, and with the same authority as the police judge.

Vacancy in  
police judge's  
office.

§ 12. If the office of the police judge shall, from any cause, become vacant, the board of trustees shall immediately recommend a successor to the Governor of this Commonwealth, who is authorized and empowered to commission for the unexpired term of said police judge.

Bond of police  
judge.

§ 13. The police judge shall execute bond, with good security, to the board of trustees for the payment of all fines and money that come to his hands, as is now required by law for justices of the peace and other officers ; and for a breach of said bond the board of trustees may, in any court having jurisdiction, institute proceedings on said bond, recover the amount due, and ten per centum interest from the time due, together with all legal attorney's fees in prosecuting said suit for a breach of said bond ; said bond shall be executed before the Lawrence County Court, and approved by said court, and recorded on the order-book of said court.

§ 14. That it shall be the duty of the town marshal to attend the sittings of the courts to be held by the police judge, to serve all process and precepts, and to collect all executions to him directed from the police judge, or any court that is authorized to direct the same to him, and make due return thereof, in doing which he may go to any part of the county. He shall collect all taxes due said town, executions, and other demands which may be put into his hands to collect or execute, and account for and pay over the same to whosoever may be entitled thereto, under the same rules and regulations required by law of sheriffs in the collection of taxes, and of constables in the collections of executions and other demands; and for failure to perform any of the duties required of him, he shall be subject to the same proceedings had against sheriffs and constables in similar cases. The said marshal shall be entitled to the same fees for collecting the town tax that sheriffs are entitled to for collecting the county levy, and in all other cases the same allowed constables for similar services: *Provided, however,* That said police judge shall have power and authority, whenever it is made to appear by affidavit that it is impracticable, or some good cause, that the marshal execute process, to direct the same to the sheriff or any constable of Lawrence county: *Provided further,* That the said marshal shall be in-

Vest marshal  
with power.

Town marshal  
execute duties  
of office.

vested with all the power and authority which is given to constables in all cases cognizable before said police judge; and before the said town marshal shall proceed to the execution of the duties of his office, he shall take an oath before the board of trustees, to be administered by the chairman or clerk of the board, that he will faithfully and impartially execute the duties of his office, without fear, favor or affection; and shall give bond, with good security, to be approved by the board, in such penalty as the board of trustees may fix, conditioned for the faithful discharge of the duties of his office, and upon which he

may be liable to motion before the police judge, or motion or suit in courts having jurisdiction in similar cases on bonds of constables for failure to discharge any duty, or to pay over any taxes or money which ought to have been collected by him. Said bond shall be executed in and approved by the Lawrence County Court, and shall contain the same covenants as constable's bonds, and for collection of town taxes and payment of same.

Taxes due.

§ 15. All taxes shall be due and owing from the marshal on the first day of November each and every year, at which time, or the first regular meeting of the board of trustees in said month, he shall make a full settlement and be prepared with his delinquent list, to be presented to the board of trustees for allowance.

Appoint clerk—  
define duties.

§ 16. The board of trustees shall have power to appoint a clerk, who shall keep, in a fair and legible hand, a true record of all the proceedings of the board in a book kept for that purpose, and shall also register in a separate book, in a fair hand, all the ordinances and by-laws which may be adopted by the board. Said clerk may be removed at the pleasure of the board. The board of trustees shall allow him a reasonable compensation for his services, not exceeding one dollar for each regular meeting of said board.

Duty of trustees  
at first meeting.

§ 17. It shall be the duty of the trustees, at the first meeting after the annual election, or as soon thereafter as possible, to appoint an assessor, who, after being first sworn faithfully to discharge the duties of his office, shall call upon the owners of taxable property in said town or their agents, and make out a true list of their taxable estate, real and personal, with the value thereof; and this shall be made upon the oath of the tax-payer or his agent. In the absence of either, the said assessor, if a resident of town, have a notice, as now required by law for assessors of this Commonwealth, and be subject to like

penalties, if, after notice, shall fail to appear and give his or her taxable list. If the property owned in said town by non-resident thereof, the said assessor shall cause the same to be valued by two respectable citizens of said town competent to affix the value, and return the valuation thereof. If the assessor should not be satisfied with the value fixed by the tax-payers, he may call upon two or more persons to give their estimate of the value thereof, who shall be sworn by said assessor, and said assessor shall affix the true value from all the evidence and return the same. Said list shall embrace all the real estate in said town laid off in town lots; all the males over twenty-one years of age, with all other species of property, money, notes and choses in action now taxable for State revenue, exclusive of the ordinary household furniture; and if any one refuses to give in such list, he or she shall be double taxed on the value of their property, to be ascertained by the oaths of any two respectable housekeepers of said town, to be recovered, with costs, by warrant, before the police judge of the town, in the name of the Commonwealth of Kentucky, for the use of said board of trustees, without regard to the amount claimed. The said assessor shall return his list within one month after his appointment, and may be fined for failure to do so upon motion of the trustees upon five days' notice, before the police judge, in a sum not less than ten nor more than twenty dollars. Said assessor shall be paid by said trustees out of the revenues of the town for his services such sum as may be deemed by them reasonable.

Property owned  
by non-residents.

Assessor return  
list.

§ 18. The trustees shall have power to levy a poll-tax of not exceeding one dollar upon each male adult inhabitant of the town, and an ad valorem tax of not more than twenty-five cents upon each one hundred dollars of taxable estate in said town. The trustees shall have power to tax all theatrical performances, shows and exhibitions within the limits of said town, in any sum not more than twenty dollars in any one

Levy poll-tax.

day for each performance, show or exhibition. They may license drays, wagons, carts, hacks plying or hauling through said town for hire, and may appoint extra police officers when the emergency requires it.

§ 19. The said town shall have a lien on all the real and personal estate in said town liable for taxes until all the taxes due by the owners thereof shall be paid.

Town have lien on real and personal property.

The taxes shall be collected by the marshal; and said marshal shall have the power to levy and distrain for taxes which the sheriffs of the Commonwealth now have, and may levy upon and sell for taxes and costs of sale the personal property within said town of any person whose taxes remain unpaid, in the same manner that personal property is sold under execution; and if, on the first day of October in any year, there may be due and unpaid any tax or taxes on any lot or fraction of a lot in said town, and the owner thereof has no personal property in said town out of which said taxes can be made, it shall be the duties

Trustees publish list of property taxes are unpaid on.

of the trustees to cause to be published in a newspaper a list of all the lots and fractions of lots on which tax or taxes may be unpaid, and also the amount due upon each lot and fraction of a lot respectively for one week, and announcing upon what day said lots or fraction of lots will be sold, or so much of said lots or fraction of lots as will be necessary to pay tax or taxes due thereon respectively; and a copy of said list as published, accompanied by the affidavit of the editor or publisher of such paper that such publication was made, as was required by this action, shall be recorded in the clerk's office of Lawrence County Court; and when so recorded, shall be *prima facie* evidence that such publication was made, and an attested copy thereof may be used on the trial of any cause, and shall have the same force and effect of other attested copies, as now authorized by law. If the tax or taxes, thus due and advertised, are not paid on or before the day appointed for sale of said lots or fraction of lots

on which they are due, it shall be the duty of the marshal to expose the same to sale on the day appointed, or so much of the same as may necessary to pay the tax or taxes due on them respectively, to the highest bidder for cash. The sale shall take place at such time in the day, and at such place in the town, as he may appoint; and he shall convey, by deed duly acknowledged to the purchasers, the lots or fraction of lots as he may sell, which deed shall pass the title to the purchaser: *Provided, however,* That all real estate thus sold for taxes in said town may be redeemed at any time within five years by the original owner or owners, or their assignees, his purchase-money, with interest at the rate of thirty per cent. per annum on the sum paid him, and all costs of said sale: *And provided also,* That infants, *feme coverts*, and persons of unsound mind, shall have two years after their several disabilities are removed to redeem their property.

Marshal expose property to sale.

Real estate sold for taxes may be redeemed.

§ 20. That if, for any reason, the board of trustees may not think proper to intrust the marshal with the collection of taxes or other revenues of the town, or said marshal shall be unable or refuse to perform that duty, they shall have power to appoint a collector, who, after taking an oath and executing bond before the board of trustees as required of the marshal, shall have full power and authority to perform all the duties required of the marshal in the collection of the taxes and other revenues of the town; and his acts so performed shall have the same validity and effect as performed by the marshal, and he shall receive such compensation for his services as herein allowed the marshal of said town.

Appoint collector.

§ 21. That the board of trustees may appoint a street commissioner, who may be removed by said trustees at any time and another appointed.

Street commissioner.

§ 22. The police judge shall have jurisdiction as specified in the sixth section of this act. All fines and forfeitures assessed and collected in said town by

Fines and forfeitures.

the police judge, or other officers having jurisdiction of the offense, for a violation of the town ordinance or ordinances of said town, shall be paid to the treasurer thereof for the benefit of said town. And all fines and forfeitures assessed and collected therein for violation of any penal statute of the State, shall be paid over by the officer collecting same to the trustee of the jury fund of Lawrence county for the benefit of the Commonwealth of Kentucky, to be paid over and accounted for by him as other like fines and forfeitures.

Marshal supervisor of public streets.

§ 23. The marshal shall be, by virtue of his office, supervisor of the public streets and alleys of said town ; but the trustees may appoint, at their pleasure, a street commissioner to act in his place and stead.

By-laws.

§ 24. The board of trustees shall have power to pass all needful by-laws and ordinances for the due and effectual administration of right of justice in said town, and for good government thereof ; may legislate on all subjects which the peace, order and welfare of said town may require, unless restrained by the terms of the charter or the Constitution and laws of the State ; they may affix such penalties for a violation of any of their by-laws or ordinances, not exceeding fifty dollars in each case, as they may deem the good government of said town shall require. All new ordinances of said town shall be published, or written out in fair and legible hand, and posted at two or more public places in said town. The board of trustees shall have power to provide, by ordinances, for the suppression of houses of ill-fame, bawdy-houses, gambling-houses, houses which are a common resort for idle, dissolute and disorderly persons, and other nuisances within the limits of said town. And

Neglect of police judge.

for any willful neglect of the police judge or marshal to enforce said ordinances, or any of them, they, or either of them, may be proceeded against in the criminal or circuit court by indictment, and fined any



sum not exceeding one hundred dollars, at the discretion of the jury.

§ 25. The board of trustees shall have power to ap- Treasurer.  
point a treasurer, and of him require a bond for a faithful performance of his duty imposed on him as treasurer of the town of Fallsburg; and he shall keep a strict account of all amounts received by him and paid out by order of the board of trustees, and settle his accounts on the first day of June and January each year, and on vacating his said office.

§ 26. The board of trustees shall have power, at any Trustees hear complaints of tax-payers.  
time within two months after the assessor has returned his books, to hear complaints, and change or reduce or correct the tax-list of any person assessed in said town; and may assess, at any regular meeting, any person or property omitted by the assessor, after first giving the person or owner of the property ten days' notice of such intention through their clerk.

§ 27. The trustees shall have power specially, in ad- Special power to trustees.  
dition to the other powers granted by this charter—

*First.* To prevent, abate and remove nuisances, at Prevent nuisances.  
the cost and expense of the owners or occupiers, or of the parties upon whose ground they exist; and to define and declare by ordinance what shall be a nuisance within the limits of said town, and to punish by fine any person for keeping, causing, erecting or committing a nuisance.

*Second.* To establish, erect and keep in repair bridges, culverts and sewers, and regulate the use of the same, and cover them over when the interest of the public requires it.

*Third.* To provide for lighting the streets, market-houses and public buildings, rooms and offices.

*Fourth.* To establish, support and regulate policemen, night watches, and prescribe their duties and compensation.

*Fifth.* To erect market-houses, establish market places, and provide for the government and regulation thereof; and appoint inspectors of the articles sold

therein, and to provide for the condemnation and destruction of stale, unwholesome meats or vegetables.

*Sixth.* To erect a good substantial lock-up or station-house, and keep the same in good repair.

*Seventh.* To license, tax, regulate, restrain and prohibit billiard-tables, tippling-houses and bowling-saloons.

*Eighth.* To suppress gaming, drunkenness, gambling-houses and disorderly houses of all kinds.

*Ninth.* To regulate the sweeping or cleaning of chimneys, and to fix the fees therefor, and prescribe the manner of their collection.

*Tenth.* To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton, and all other combustible material, and to appoint some suitable person or persons at reasonable times to enter and examine such houses as they may designate, in order to ascertain whether any such houses are in a dangerous condition with reference to fires, and to cause such as are in a dangerous condition to be immediately put in secure order and condition.

Regulate storage  
of gunpowder.

*Eleventh.* To erect and keep in repair accurate public scales, and appoint a public weigher to attend to the same, and fix fees and compensation for his services.

*Twelfth.* To provide for the prevention of training or breaking horses, or exhibiting stallions in the public streets and places of the town.

*Thirteenth.* To provide for the removal from the limits of the town, or killing of mischievous or vicious animals, and for the punishment by suitable fines and penalties of the owner or keeper of such animals for allowing them to go at large.

*Fourteenth.* The board of trustees shall have power to appoint or employ an attorney to prosecute for and on behalf of the board of trustees all prosecutions in which the board of trustees may be interested, and to allow him a reasonable compensation therefor.

*Fifteenth.* The board of trustees shall have power

to purchase lands for and locate cemeteries, either Purchase lands. within the town limits or elsewhere in Lawrence county, and exercise full and complete control over the same, and enforce the proper regulation and management thereof by adequate fines and penalties.

§ 28. All persons residing in said town shall be exempt from working roads beyond one-half mile outside of the corporation of said town.

§ 29. The board of trustees shall have power, if the office of marshal shall become vacant by removal, resignation or any other cause, to appoint another to fill the unexpired term, or if he shall fail to qualify after elected, to fill the vacancy.

§ 30. All ordinances passed by the board or by-laws shall go into effect in ten days after their passage, unless declared by an order of the board to take effect at an earlier day.

§ 31. The trustees shall have the power to pass ordinances to permit persons, fined for violation of any ordinance, to work the same out on the public streets or alleys of said town.

§ 32. The county court of Lawrence, at the April term, one thousand eight hundred and ninety, shall Appoint officers of election. appoint two judges, a clerk and sheriff of election, to conduct the election for police judge, marshal and board of trustees for said town of Fallsburg, and thereafter the board of trustees of said town shall appoint the officers to conduct the elections for said town.

§ 33. At the election held for said town of Fallsburg on the first Saturday in May, one thousand eight hundred and ninety, there shall be a poll opened to take the sense of the qualified voters of said town as to the sale of spirituous, vinous or malt liquors, or any liquors that will intoxicate, shall be sold within the corporate limits of said town; and the judges conducting the election for said town shall ask of each voter whether he is in favor of or against the sale of said liquors in said town; and if a majority of

those voting shall vote against the sale, then it shall be unlawful for any person to sell any such liquors, or a mixture of either, within said town; and any one so offending shall be subject to a fine of sixty dollars, recoverable by warrant before a police judge or justice of the peace, or upon indictment by a grand jury in a circuit or criminal court.

Officers certify  
result of elec-  
tions.

§ 34. The officers conducting the election for said town of Fallsburg shall, at the same time they certify the vote upon the election of officers of said town, also certify the result of the vote upon the sale of spirituous, vinous or malt liquors, or any mixture of either, or any liquors that will intoxicate, to the clerk's office of the Lawrence County Court, and the same shall be prescribed as part of the record of said office.

§ 35. That all laws and parts heretofore passed, either general or special laws, by statutes or otherwise, in conflict with this act, be, and the same is hereby, repealed.

§ 36. This act shall take effect from its passage.

Approved April 2, 1890.

## CHAPTER 478.

AN ACT to incorporate the Bank of D. A. Sayre and Company, of Lexington, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Bank estab-  
lished.

§ 1. That a bank is hereby established in the city of Lexington, Kentucky, by the name and style of David A. Sayre and Company, and by and under that name is incorporated, and shall have capacity to make contracts, sue and be sued, implead and be impleaded, to answer and defend in all courts and places whatever; it may have a common seal, and may alter the same at pleasure.

§ 2. Said corporation may continue under this charter for a period of (30) thirty years. Its stock shall be deemed personal property, and shall be assignable or to such rules as the board of directors shall, from time to time, establish. The stockholders shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of said corporation to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in the shares of stock.

May continue  
thirty years.

Responsibility of  
stockholders.

§ 3. Said bank shall have its principal place of business at Lexington, Kentucky. Its business shall be to loan money, discount promissory notes and bills, deal in exchange, and to do and perform all such acts as usually pertain to the business of banking; but it shall not have power to issue any note or bill to be used or passed as currency. Said bank may receive deposits of money or bank notes, or other notes which may lawfully circulate as currency, to be repaid at such time and on such terms as may be agreed on by special or general contract. Said bank may loan money on public, private, or other security; may buy and sell drafts, bills of exchange, bonds or stock, or promissory notes, or other evidences of debt. Said bank shall be entitled to all the rights and privileges conferred by the general laws of this Commonwealth on incorporated banks, and especially shall have and enjoy the same rights and immunities as to promissory notes to any person or corporation by their terms made negotiable and payable at said bank, or payable and negotiable at any other incorporated bank of this State, and purchased and discounted by said bank; and shall likewise be entitled to all the benefits of the act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March sixteenth, one thousand eight hundred and seventy-one. The stock of said bank shall be subject to taxation in the same manner and at the same rates as is provided in

Place of business.

May loan money.

the case of shares of stock in State and National banks by the general laws of this State, and shall in like manner be exempt from all other taxation whatsoever so long as said tax shall be paid during the corporate existence of said bank.

**§ 4.** Said bank may own, hold and acquire all such  
Hold real estate. real estate and personal property as may be necessary for the transaction of its business, or which may be conveyed to it as security for any debt, or may be purchased in payment of any debt, judgment or decree, and may sell and convey the same at pleasure; but any real estate acquired for the satisfaction of debt by said corporation shall not be held for a longer period than five years

**§ 5.** The capital stock of said bank shall be thirty  
Capital stock. thousand dollars, which may at any time be increased, by the consent of three-fourths in value of the stockholders, to one hundred thousand dollars. Said stock shall be divided into shares of one hundred dollars each; and at all meetings of the stockholders each stockholder shall have one vote for each share of stock owned and held by him.

**§ 6.** E. D. Sayre, I. W. Sayre and E. D. Sayre,  
Incorporators. Junior, or any two of them, may, at such time and place as they may select, open books for the subscriptions to the capital stock of said bank. When and after three hundred shares of stock are subscribed and are fully paid in, and a statement of such subscription and payment sworn to and acknowledged by the subscribers before the clerk of the county court of Fayette county, the said statement, with the clerk's certificate of verification and acknowledgment, shall be recovered by said clerk in one of the books for the recording of deeds, or in the miscellaneous book kept by him for the recording of powers of attorney, releases, and so forth; the stockholders shall  
Board of directors. thereupon meet and choose a board of directors, to consist of not less than three nor more than five stockholders, residents of the State of Kentucky, to which

board of directors and the successors in office shall be committed the business of said bank, and the management and administration of its affairs. The aforesaid statement, so sworn to and acknowledged by the subscribers, and recorded in the said clerk's office of Fayette county, shall be sufficient and conclusive evidence, in all courts of this State and elsewhere, of the due organization of said corporation; and a copy thereof, certified by the clerk of said court, shall be received in evidence for any purpose for which the original is receivable, and shall be entitled to the same conclusive effect.

§ 7. Annual meetings of the stockholders shall be held on the first Monday of January in each year for the election of directors for the ensuing year, and for the transaction of any other business of said bank. Other meetings may be held on the order of the board of directors, personal notice being given to each of the stockholders of the time and place of meeting. Directors shall hold their offices till the next annual meeting of stockholders, and till their successors are appointed and enter on their duties. Vacancies in the board of directors may be filled by the remaining members of the board, to hold till the next annual meeting, and till their successors are appointed. The board of directors shall appoint one of their number president of the bank, and shall appoint such other officers and employes as the business of the bank may require; shall fix their duties and salaries, and may require such bond and security as may be deemed proper for the faithful discharge of duty by any of said officers. The board of directors may make all needful by-laws for the government of said bank, and for the conduct of its business, not inconsistent with the laws of Kentucky or of the United States. But such by-laws shall be subject to review, modification or repeal, at any regular or called meeting of stockholders.

Annual meetings.

Appoint officers and fix their powers and duties.

§ 8. This act shall take effect from its passage: *Pro-*

*vided*, That if said bank is not organized under it within one year from its passage, the said act shall no longer be operative.

§ 9. The Legislature reserves the right to alter, amend or repeal this act at pleasure.

Approved April 2, 1890.

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## CHAPTER 479.

AN ACT to incorporate the Buckeye and Poor Ridge Turnpike Road Company, in Garrard county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That a company be, and the same is hereby, formed, by the name of the Buckeye and Poor Ridge Turnpike Road Company; and by that name and style shall have corporate existence, and be a body-politic, and as such, and in that name, may sue and be sued, plead and be impleaded, and have and use a common seal. Said company is created for the purpose of constructing a turnpike road from or near I. P. Stapp's, on Buckeye Ridge, to intersect the Poor Ridge and Sugar Creek Turnpike Road at or near C. M. Moberley's, on Scott's Fork of Sugar creek.

§ 2. The capital stock shall not exceed five thousand dollars, to be divided into shares of twenty-five dollars each; and the persons hereinafter named, or any two of them, shall have power to open books for the subscription of stock, and keep them open until a sufficient amount of stock shall have been taken to construct said road.

§ 3. The following persons are appointed commissioners to receive subscriptions, namely: Josiah McCulley, Allen T. Teater, Zach T. Teater, James Browning, William H. Lain, M. W. Folger and F. N. Folger, and as soon as sufficient stock shall have been subscribed to construct the road, it shall be the



duty of said commissioners, or such of them as may choose to act, to give notice by written or printed posters at two or more public places in the vicinity of said road at least ten days, and call a meeting of stockholders at such time and place as they may elect, at which time said stockholders, or a majority of them, having convened, shall proceed to the election of a president and three directors of said road, at which election each stockholder shall have one vote for each share of stock subscribed or owned by him in said road; and when said company shall be thus organized, they may appoint such officers as they deem necessary, and prescribe their duties and require them to execute bond, with good security, conditioned as may be required, and commence the work.

§ 4. The president and directors shall have power to locate and lay out said road, receive releases for the right of way in writing, and may take the steps authorized by the general laws of the State to condemn the land over which said road is to run, and stone and other materials from adjacent lands.

§ 5. The company shall have power and authority, in the construction of said road, to fix the width and the manner of construction, its grade, and whatever else may appertain to such construction: *Provided, however,* The width of said road shall not be less than thirty feet, except in heavy cuts, and the width of the metal not less than twelve feet.

§ 6. When said road is completed, it shall be lawful for said company to put up one full gate where its officers may direct, and collect toll thereat, notwithstanding said road may not be more than three miles in length.

§ 7. This act shall take effect from and after its passage.

Approved April 2, 1890.

## CHAPTER 481.

AN ACT providing for the levy and collection of an annual tax in Breckinridge county for the improvement of public highways in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Elect super-  
visor.

§ 1. That the levy court of Breckinridge county shall, at its October term, one thousand eight hundred and ninety, and every two years thereafter, elect a supervisor of roads in and for said county, who shall be a citizen of the county, and a man of good moral character.

Execute bond.

§ 2. The supervisor shall, at the next regular term of the Breckinridge County Court after his election, execute bond to the Commonwealth for the benefit of Breckinridge county, with sureties to be approved by the court, in double the amount of the road funds, and shall take an oath for the faithful discharge of his duties ; the taking of said oath and the execution of said bond shall be noted on the order-book of the court ; the bond shall be recorded in the order-book, and the original carefully preserved on file in the office of the clerk of said county. Copies of the said bond shall be competent as evidence in any suit proceedings, as prosecution against the supervisor and his sureties, or either of them, for breach of said covenant. The said county court, or any person aggrieved, may, from time to time, institute suit against the supervisor and his sureties on his bond (or against his or their personal representatives) in any court of competent jurisdiction for any loss or damage sustained by the acts or omissions of the supervisor. The said bond shall not be void or discharged on the first, or any other recovery, nor till all persons aggrieved shall be satisfied.

Lowest bidder.

§ 3. It shall be the duty of the supervisor, at the court-house in Hardinsburg, on the first Monday in

April of each year, after twenty days' printed notice, posted at each voting place in the county, and published in the county papers for the same length of time, to let out to the lowest and best bidder, who shall give bond, with surety approved by the supervisor, for the working and keeping in repair all of the roads in said county, for the term of not less than one year, nor more than two years thereafter, the said work to be done as prescribed in the bond of contractors, to let out at such times as needed; and, on reasonable (printed) notice, the building and repairing of all culverts as are not embraced in the contracts for working roads, to superintend the opening, widening and changing of roads; superintend the erection of gates on public roads; to receive new road and alteration in roads, and to report the same to the county court when, and in the manner directed by the county court, and to see that all roads are kept clear of obstruction, and at all times in good order for travel and transportation: *Provided*, That for the purposes enumerated, the fund raised by this act, and which may be otherwise raised by the levy court, shall be sufficient, and if not sufficient, then it is to be used at such places, and for such purposes, as the supervisor, under the general direction of said court, may deem proper; and the court, in giving such directions, shall have due regard to the public good, and to the wants of the different parts of the county; the said court shall prescribe a period in each year within which the levying and grading of roads shall be done, but said period shall not extend beyond the first of September in any year. It shall be the duty of the supervisor to report, in writing, to the judge of the Breckinridge County Court, all failures of contractors to comply with their contracts in regard to roads or culverts, and to appear and prosecute on all proceedings against such delinquents so reported to him. The supervisor, with the consent of the county judge, may designate certain roads, or parts of roads, that are not to be let out

Duties of supervisor.

as hereinbefore required, but which are to be worked and kept in repair, either by special contracts privately made, or by hands or teams hired by him, or by delinquent tax-payers, or by persons sentenced to labor, or who, by law, may be liable to work out fines imposed by juries or courts; but it shall be the duty of the supervisor to return to the county court, at its September term in each year, a descriptive list of such roads, which shall be recorded in its order-book; and also to report, in writing, all hands and teams hired, and amounts paid for same, and the length of time and where employed; and also a similar report of the names of delinquents who work the places, where, and length of time, and names of persons working out fines or sentences on roads. And it shall be the further duty of the supervisor to supervise said work, and to employ competent persons to oversee; and he may, if necessary, put balls and chains on convicts to prevent their escape. Such overseers and persons, hired as herein provided, are to be paid out of the county levy. Delinquent tax-payers shall be put out on roads convenient to their places of residence, and shall be allowed credit at the rate of one dollar for each full day's work.

Contractor to  
give bond.

§ 4. The contractors' bonds required by the preceding section shall be given to the Commonwealth for the benefit of Breckinridge county, with good surety, to be approved and attested by the supervisor, in at least double the amount of the value of the work to be done, and conditioned for the faithful performance of the work within the prescribed time, and shall be returned by the supervisor to the county court at its next ensuing term, which fact shall be noted of record, and the bonds kept by the clerk of the court in his office vault, labeled and marked "Contractors' Bonds." Similar bonds shall be taken for the work let at private contract, and shall be returned and kept as the contractors' bonds. Certified copies of said bonds shall be competent as evidence. For any breach of

contractors' bond he shall be liable to a fine of from twenty dollars to one hundred dollars, and to action for all damages by all parties aggrieved thereby. Upon the filing of the report of the supervisor that any contractor has failed to comply with his contract, or upon information or oath of any person, or on his own knowledge, that any road or culverts embraced in said contract is out of repair, the judge of the quarterly court of Breckinridge county shall forthwith issue from, and make returnable to, his court, a warrant, in the name of the Commonwealth, and against the delinquent contractor, and, when executed, proceed forthwith to try the same as other Commonwealth warrants are tried. The sureties of all delinquent road contractors shall be liable for all fines imposed and judgments for damages rendered against their principal under this act. All parties proceeded against, as hereinbefore provided, shall be entitled to trial by a jury.

§ 5. For any violation or failure, without good Penalties. cause, to discharge any duty prescribed by this act, the supervisor shall be deemed guilty of a misdemeanor, and shall, on conviction, be fined therefor not less than twenty nor more than one hundred dollars, to be recovered by warrant in the name of the Commonwealth of Kentucky, to be issued by, and returnable before, the county judge of Breckinridge county, sitting as judge of the quarterly court; and it shall be the duty of said judge to issue such warrants upon his own knowledge, or upon information of another on oath. On the trial of such warrant, the supervisor shall be entitled to a jury if demanded.

§ 6. That the supervisor shall, on the order of the Hire teams, etc. county judge, enter of record, hire teams, and procure forage for same, and either hire or purchase for the county such tools and implements as may be necessary and suitable to perform the work which he may have done by hired hands, delinquents or convicts; he shall be responsible on his bond for the

preservation and safe-keeping of such tools and implements; and it shall be unlawful, and a breach of his bond, to loan or hire out the same, or to suffer any one to use same, unless under his contract as supervisor; the supervisor shall give orders for the cost of said tools, et cetera; for necessary repairs on same; for sustenance for work stock hired, and for wagons for hired hands and overseers, which shall be approved and paid as other road expenditures; he shall keep duplicate orders, and report to the county court, at its September term each year, an itemized account of all moneys expended by him for the foregoing purposes.

Vacancies.

§ 7. The county judge and justices, sitting as a levy court, shall, at any regular or called term, fill vacancies in the office of supervisor, and it shall be the duty of said judge, on the occurrence of a vacancy, to immediately call the court together for that purpose.

Fines.

§ 8. All fines assessed under this act shall be collected as other fines, and shall, less county attorney's commission, inure to the benefit of the road fund of Breckinridge county, and shall be paid out by the collecting officer as the road fund is paid; and the tax-collector shall report amounts of fines, and from whom collected, to the levy court annually.

Width of roads.

§ 9. Roads in Breckinridge county shall be established under the provisions of the General Statutes in regard to opening roads not less than thirty nor more than one hundred feet wide; and the county court may widen roads already established, as hereinafter directed, not, however, to exceed one hundred feet in width. Upon written information, under oath, of the supervisor, or of any two citizens of Breckinridge county, being filed in the Breckinridge County Court at any regular term, to the effect that any public road, or part thereof, is not of sufficient width for the convenience of public travel, the said court shall appoint three suitable persons to view the same, who shall report the same, in writing, under oath,

to the court at its next term, the present width of said road at the point or points designated; the character of the ground over which it passes, or the land thereto, and the purposes for which the adjacent land is used; and whether, in their opinion, the convenience of public travel demands that said road be made wider, and the distance of such increased width; and they shall also report how much of the adjacent land will be taken by the proposed change; to whom it belongs; to what extent the change will injure or benefit the owners of said land. It shall be the duty of the county surveyors to act as one of the reviewers of the roads, unless interested in the opening of said road, whereupon the county court may appoint a competent surveyor. Upon the report of the reviewers, like proceedings may be had as are now had in applications for opening roads. If, upon the whole case, the court shall be of the opinion that the road ought to be widened, it shall order the supervisor of roads to have the same done in manner and form as prescribed by the court. In carrying out the provisions of this section it shall be lawful, when unavoidably necessary to embrace portions of any yard, lot, park or orchard in the increased width of any road, but not of grave-yards, without consent of corporation or parties having dead buried therein, and then upon proper provisions for decent re-interment. In every case arising under this section the person whose land is taken shall, if he require it, be compensated therefor; and, if no agreement can be made by and between him and the court as to the amount of such compensation, a writ *ad quod damnum* shall be awarded the party aggrieved, and such proceedings had thereon as may now be allowed by law.

§ 10. That all delinquent and capitation tax-payers Delinquents. of Breckinridge county, between the ages of twenty-one (21) and fifty (50) years, shall be required to work out their taxes at such times and on such roads as the supervisor may prescribe within reasonable distance of

their respective places of residence, for which each delinquent shall have credit at the rate of one dollar for each full day's work performed by him. The supervisor shall notify each delinquent as road hands are now required by general laws to be notified; and for failing or refusing to comply with the order of the supervisor when so notified, such delinquents are made liable to all the fines and penalties now imposed by general law on persons who fail or refuse to work on roads. The supervisor is authorized and empowered to collect the taxes due from such delinquents, if they desire to pay the same instead of working on the roads, and he shall be liable on his bond for the money so collected, and the same may be recovered from him on motion of ten days' notice in the quarterly court. The taxes so collected shall, by the supervisor, be reported to the county court, and paid over to the tax collector, and held and applied by him as part of the road fund.

Removal of supervisor.

§ 11. The levy court, at any regular or called term, a majority of the justices on commission concurring, may, on motion by the county attorney, remove the supervisor from office from neglect of duty, malfeasance or misfeasance; but he shall be first notified in writing of times and grounds of said motion for ten days.

Terms.

§ 12. The supervisor shall hold his office for two years, and until his successor shall be qualified, and shall receive the annual salary of not more than one thousand dollars, to appropriated by the levy court and payable out of the county levy.

Duty of county judge.

§ 13. That the judge of the county court shall, on information in writing by the supervisor that a ditch is needed through the land of any person, or that a ditch, branch or creek through any person's land needs cleaning out, straightening, widening or opening, in order to carry off the water from any part of the public roads, and the water can not be carried off otherwise, notify such person in writing to have the



same done; and upon his failure, after reasonable time being reported by the supervisor, the judge shall cause a summons to issue from the county court clerk's office against such person or persons, citing him or them to appear at the next regular term of his court, which shall meet in not less than five days thereafter, to show cause why the same shall not be done by the supervisor or contractor, and the cost thereof laid as a tax upon his or their property as other county taxes; and upon the failure of such person or persons to show cause, the court shall order said ditches to be made, or ditches, creeks or branches cleaned out, widened, or straightened or under-drain put in, giving special directions therefor, and the cost thereof be laid and collected as a tax on the property of said party or parties, and the work shall be paid out of the county levy; but in all such cases the party or parties on whose land the work is ordered to be done shall be entitled to a writ of *ad quod damnum*, and due compensation for his property taken and for damage sustained.

§ 14. It shall be unlawful for the county judge and justice of the peace, sheriff or tax-collector, county attorney, or supervisor or assistant supervisor, or any overseer, to become, directly or indirectly, interested in any contract for working roads; and it shall be unlawful for either of said officers or employes to buy or become interested in any road order or certificate, or any claims growing out of such work. Either of said officers or employes who shall violate this section shall be guilty of a misdemeanor, and, upon indictment by a grand jury, conviction thereof before a court of competent jurisdiction, shall be fined for each offense less than fifty nor more than three hundred dollars. This section shall be given in charge of the grand jury by the judge of the Breckinridge Circuit Court.

Officers must not  
be interested in  
contracts.

§ 15. It shall be the duty of the county attorney to prosecute all warrants under this act when notified

Duty of county  
attorney.

by the court trying the same, and for all cases so prosecuted he shall receive for compensation a commission of twenty-five per cent. of the fines imposed in the cases wherein he shall prosecute; and on his failure to attend or prosecute, the county trying the warrant may appoint some other practicing attorney to prosecute, who shall be entitled to said commission for his services.

§ 16. It shall be the duty of the supervisor, when called on by the levy court, to furnish to said court such information, in writing, as may be required with regard to the roads and work done thereon.

Penalty for obstructing or injuring public roads, etc.

§ 17. Any person who shall willfully obstruct, injure or destroy any of said public roads, or any culvert or ditch on said road, or shall willfully injure any of the tools or implements, or who shall, without right, take possession of, or use, or appropriate the same, shall be fined for each offense not less than five nor more than fifty dollars, to be recovered in like manner as fines against contractors, and shall also be liable in civil action for double damages to the county, or any person aggrieved or injured, to be recovered in any court in Breckinridge county having jurisdiction of the amount claimed. It shall be the duty of the supervisor and his assistants, and of all constables, town marshals and sheriffs, to report promptly to the county judge, or some justice of the peace, all violations of this act.

§ 18. In all prosecutions under this act the parties shall be entitled to a trial by jury. In all cases when the party is fined more than fifty dollars, an appeal shall be to the circuit court. Either Commonwealth or defendant may prosecute the appeals, to be taken as now provided by law.

Assess taxes.

§ 19. The levy court, at its regular October term in each year, a majority of the justices concurring, shall assess and levy an ad valorem tax of not less than five nor more than twenty-five cents on each one hundred dollars' worth of taxable property listed for taxation,

and a capitation tax of not less than fifty cents nor more than three dollars on each male over twenty-one and under fifty years, for road purposes, to be designated the road fund, and to be collected in the same manner, by the same officers, and under the same obligations, as the county revenue is collected.

§ 20. That the tax collector of Breckinridge county shall pay out the road funds in discharge of the liabilities of the county, for work on roads (including pay for contractors, hire of hands and teams, pay of overseers, and all necessary expenses in and about keeping roads in good order, et cetera); but in no case shall he pay out any of said money except upon the order of the supervisor (specifying what for), with the indorsement thereon of the county judge of his approval. The collector shall have blank forms of such orders printed in duplicate, and numbered, and he shall retain a duplicate of each order given by him, and the number thereof, which he shall exhibit and return to levy court when required by order of said court.

Duty of collector.

§ 21. That the county court, in all orders opening, changing or widening roads, may direct the supervisor to have same done, in whole or in part, or it may direct that the party applying for such road or change shall, in whole or in part, make the same, and pay any part of damages assessed in relation to said road, and, in either case, the court may direct that those persons living within one-half mile of the proposed road or change, who, under the general road law of the State are required to work on roads, shall, on being notified, as under the said general road law, assist the persons designated to open such roads or make the proposed change; and any person who, upon being so notified, shall fail or refuse, without good cause, to attend with proper implements and assist as herein required, shall be subject to the same penalties, imposed by the same proceedings, as delinquent road hands are now under the general road laws of the State.

§ 22. Article first of chapter ninety-four of the General Statutes, except so far as in conflict with this act, is adopted as part hereof.

Letting out of  
contracts.

§ 23. The supervisor, upon the order of the county judge, entered upon the order-book of his court, shall let out, by written contract, to the lowest and best bidder, the grading or cutting down of any hill or hills upon the public roads, specifying in the contract the amount and character of such work, how to be done, and when to be completed, and setting forth the amount to be paid thereof, either in gross or by the yard, and requiring of the contractor bond, with approved surety, for the performance of the contract, such bonds to be returned to the county court clerk, and by him kept as other road contractors' bonds, and said bonds may be enforced and proceeded upon as other road bonds. The supervisor shall receive such work if done as required, and certify the fact and give an order for the money, which order is to be indorsed approved by the county judge and paid by the tax-collector out of the road and other funds provided for the purpose, if ordered as aforesaid by the judge. The supervisor may hire hands, or work convicts or delinquent tax-payers in grading hills, and the pay of hired hands be upon orders as aforesaid.

County judge to  
divide precincts.

§ 24. The county judge of Breckinridge county shall divide all roads in said county into precincts: *Provided, however,* For each precinct the judge shall appoint an overseer, whose duty it shall be to assist the supervisor in looking after the roads in said precinct, and seeing that they are kept in repair, and to report promptly to the supervisor all obstruction to travel thereon, and to report to the county judge all violations or neglect of the duty of the supervisor with regard to such roads. Said overseers shall be residents of Breckinridge county, residing in the vicinity of the precinct allotted to them respectively, and shall remain on duty two years, unless sooner removed by the court; but any overseer who shall move five miles

away from his precinct shall, upon notifying the county judge of his removal, be released.

§ 25. The appointment of overseers shall be by order Appointment of overseers to be recorded. entered in the order-book of the court, and the clerk of said county shall, within ten days after the entry, deliver two copies of such order for each overseer to the sheriff or constable, town marshal or the jailer of said county, by whom one copy shall be delivered to the overseer named therein within fifteen days thereafter; said order shall contain a description of the precinct allotted to each overseer. The sheriff or other officer delivering such order shall return the other copy, with his indorsement of service, to the county clerk. For each failure of said clerk, sheriff or other officer to discharge the duties herein required, such officer shall be fined five dollars. The said overseer shall be exempt from service on the juries and from poll-tax for road purposes; and for failure to perform the duties herein required of them shall, for each offense, be fined from five to twenty dollars; the fines imposed under this section to be recovered on warrants issued by, and tried before, the judge of the quarterly court.

§ 26. The supervisor may, upon an order of court, Planting trees. provide for procuring, planting, protecting and caring for shade trees, and the erection of sign boards on any of the public roads in Breckinridge county, and may pay for same out of any unexpended moneys belonging to the road fund of the county, or may agree with the tax-payers to do such work at a stipulated price, and allow such person credit on their road taxes. It shall be the duty of the supervisor, and his assistants and overseers, respectively, to look after such shade trees and sign boards, and to report to the county court judge all injuries to, or destruction of, the same, or box, or other protection, placed around or near said trees, or of any regulation made by the court for the preservation of same; and any person who shall inten-

tionally or carelessly destroy or injure any of such trees or boxes, or other protection of same, shall, for each offense, be fined not less than five nor more than ten dollars, to be recovered on warrant issued by, and returnable before, and to be tried by, the judge of the Breckinridge Quarterly Court.

**Report offenses.** § 27. It shall be the duty of the supervisor and his assistants, and the overseers of roads, to report all offenses against the preceding provisions for shade trees and sign-boards.

**Assistant super-  
visors.** § 28. The supervisor may be authorized, by order of the Breckinridge County Court, at any of its monthly terms, to appoint assistant supervisors to aid him in discharge of his duties, and especially in supervising grading of hills and the working of roads by hired hands, convicts and delinquent tax-payers. The court shall, by order, fix the amount of compensation per day, or by the month, of such assistants; and the supervisor shall make a report to the levy court at its October term each year of the number of assistants employed by him, and the length of time each has worked, and shall give orders for their pay, to be approved and paid as other road orders.

§ 29. It is further enacted that the taxes that may be collected under the provisions of this act shall be expended in constructing and repairing the roads in the magisterial district where the parties reside who pay the taxes; and the provisions of this act shall not apply to the constructing or repairing any street, or alley in any incorporated town.

§ 30. This act to take effect when the majority of the justices in commission of the Breckinridge County Court shall ratify and approve the same by order of the court.

Approved April 2, 1890.

## CHAPTER 482.

AN ACT to establish the boundary line between the counties of Bourbon and Harrison.

WHEREAS, By reason of frequent surveys of that portion of the boundary line between said counties, which extends from the mouth of Townsend creek to Nicholas county, and each survey locating a different line, much uncertainty has existed in the minds of citizens, who reside near said boundary line, as to which county they were residents of; and whereas, in order to settle that question definitely, the county court of Harrison, in the year one thousand eight hundred and eighty-eight, did appoint the county surveyor and commissioners from that county to meet the county surveyor and commissioners from Bourbon county, to agree upon and run said line, which they completed during the month of December of that year, and submitted their report to their respective county courts, which report was approved, adopted and ordered to be recorded by the Harrison County Court of Claims at its April term, April twenty-third, one thousand eight hundred and eighty-nine, and by the Bourbon County Court of Claims at its November term, November fourth, one thousand eight hundred and eighty-nine; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That in future the line agreed upon by said commissioners, as set forth in said report, shall be the boundary line between the counties of Bourbon and Harrison, as far as it extends, and is thus defined in said report.

§ 2. Beginning at the Bourbon county court-house, thence running due north, allowing two and one-fourth degrees for the variation of the magnetic needle, east two thousand six hundred and forty-two and ninety-two one hundredths poles, or a little over

eight and one-fourth miles, to a set stone on the old Thornton (now Mistress Cleaver's) farm, as the initial point of the boundary line between said counties; thence running eastward from said stone north forty-six and one-half east, according to the magnetic needle, making no allowance for its variation, one thousand two hundred and eighty-nine poles to a large stone marked "B" and "H," set up on the farm of O. B. Turner, to mark definitely in future the bearing of the boundary line between Bourbon and Harrison counties from stone to stone; said stone, marked "B" and "H," supposed to be at, or as near, the corner between Bourbon and Nicholas counties as could be determined without an actual survey of the line between those counties; then, returning to the initial point, the line between the counties of Bourbon and Harrison was extended westward, according to the magnetic needle, making no allowance for its variation, south fifty degrees west six hundred and fifty-five and seventy-six one hundredth poles, horizontal measurement, as the other distances were measured, crossing the South Fork of Licking three times to the north abutment of the Kentucky Central Railroad bridge over the mouth of Townsend creek, leaving unchanged the old boundary line westward from this point.

§ 3. This act shall take effect from and after its passage.

Approved April 2, 1890.

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## CHAPTER 483.

AN ACT to authorize the Cynthiana and Millersburg Turnpike Company to collect toll on said road at the present gate.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Cynthiana and Millersburg Turnpike Road Company be, and the same is hereby, author-



ized and empowered to collect tolls at its gate at the intersection of the Cynthiana and Millersburg Turnpike Road and the Indian Creek and Scott Station Turnpike Road, in Harrison county, for one-half of mile of the said Indian Creek and Scott Station Turnpike Road from the intersection of the said roads at the said gate to the intersection of the Indian Creek and Scott Station and the Cynthiana, Ruddles' Mills and Millersburg Turnpike Road at Lewis Jones' blacksmith shop.

§ 2. It shall collect toll at the same rate of toll for travel now regulated by the General Statutes.

§ 3. This act shall take effect from and after its passage.

Approved April 2, 1890.

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#### CHAPTER 484.

AN ACT to authorize the county court of claims of Jefferson county to increase their county levy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county court of claims of Jefferson county may, if it becomes necessary for the reconstruction or the building of new bridges, where the cost exceeds one hundred dollars, levy an additional tax of two cents on each one hundred dollars of taxable property in said county once a year, to be collected as the county levy of said county is now collected by law.

§ 2. This act shall take effect from and after its passage.

Approved April 2, 1890.

## CHAPTER 485.

AN ACT for the benefit of the Mount Sterling and Levee Turnpike Road Company, in Montgomery county, to prevent stock from running at large on said road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Unlawful for  
stock to run at  
large.

§ 1. That it shall be unlawful for live stock of any kind to run at large on the Mount Sterling and Levee Turnpike Road in Montgomery county.

Penalties.

§ 2. Any person or persons, being the owner or owners of, or having the custody or control of, live stock of any kind, who shall suffer or permit any of them to run at large on any portion of the line of said turnpike road belonging to the Mount Sterling and Levee Turnpike Road Company, shall be fined for each and every offense not less than two nor more than ten dollars, to be recovered by warrant in the name of the Commonwealth before any county or police judge or justice of the peace in Montgomery county.

Fines to be paid  
or replevied.

§ 3. Unless said fine is paid or replevied, the stock so running at large shall be subject to the fine and costs, and an execution shall be levied upon the same, and the officer shall proceed to collect the fine and costs as in case of other executions; and none of said stock so running at large upon said turnpike road shall be exempt from execution under this act.

How fines are to  
be collected.

The fines assessed under this act shall be collected by the sheriff or any constable of Montgomery county, and paid to the trustee of the jury fund of said county for the benefit of the Commonwealth of Kentucky. Said officers shall be responsible on their bonds for all moneys collected under this act and not accounted for and paid over as required herein.

This act to be  
posted.

§ 4. This act shall take effect and be in force from and after the first day of May, one thousand eight hundred and ninety, and notice of this act shall be

posted at three of the most public places on the line of said turnpike road for two weeks before the day this law takes effect.

Approved April 2, 1890.

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## CHAPTER 486.

AN ACT to authorize the county of Henderson to purchase the gravel roads now constructed in said county, and to extend and maintain said gravel roads, and to construct and maintain others.

WHEREAS, The county of Henderson and certain gravel road companies now operating gravel roads in said county, agreed, in consideration of the grant of the right, the right of way to certain of its public roads, that the county of Henderson might purchase said roads upon the payment of the costs of construction as to some of said roads, and the value thereof to another; now, therefore, in consideration of the premises,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county of Henderson be, and it is hereby, authorized, through its county court, a majority of the magistrates thereof concurring, to purchase all or any of the gravel roads from the companies owning or controlling them, which are now constructed and being operated in said county: *Provided, however,* Before making said purchase, it shall ascertain the costs or the valuation of said roads, as the case may be. and agree with said companies as to the costs or value. In the event said county and said companies, or either of them, fail to agree, the said county is hereby authorized to institute suit in any court of competent jurisdiction for the purpose of fixing the costs or value thereof under the agreement entered into between said county and said companies, whereby the county has the right to purchase said roads,

which amount, when so fixed, shall be the purchase price of said roads. And on the said county tendering into court the amount of said judgment and the costs thereof, the said court shall adjudge the county of Henderson entitled to the possession of said road or roads, and award a writ of possession therefor.

§ 2. Said county court, a majority of the magistrates concurring, is hereby authorized and empowered to extend the construction of the roads purchased, and to construct other roads in said county by macadamizing them with stone or gravel.

§ 3. For the purpose of paying for the roads that may be purchased, as well as to provide for the extension of same or the construction of these roads, the said county court is hereby authorized to issue the bonds of said county in any sum not exceeding five hundred thousand dollars, in denominations of not less than one hundred nor more than one thousand dollars, payable to bearer, with coupons attached for interest. Said bonds shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, on the first days of January and July, the principal thereof payable in thirty years from the date of issue, and redeemable after five years at the option of said county. Said bonds and the interest thereon shall be made payable at such place or places as may be designated by order of said county court at the time of issuing said county bonds. They shall be signed by the county judge, and countersigned by the clerk of the county court, with the seal of said county attached, and the coupons shall be signed by the clerk alone.

§ 4. The court shall have power to designate some suitable person to negotiate the sale of said bonds, under such rules as may be prescribed; to receive any money obtained thereon, hold and disburse the same under the order of the court, and, whenever required, make to said court a report of his acts; but no bonds shall be sold for less than par and accrued interest.

The court shall require the person so designated and appointed to give bond, with good and sufficient security, for the safe-keeping of said money and the faithful discharge of all his duties in relation to said bonds. The presiding judge shall cause a record to be made of all bonds that may be issued under this act, showing the amount and date thereof.

§ 5. The said county court is further authorized and empowered, and it is hereby made the duty of said court, to maintain and keep in repair all of said roads; and for this purpose it is authorized to employ a suitable person or persons to have the same done, and such authority is hereby conferred as may be necessary to secure the proper maintenance of said road.

§ 6. Said roads shall forever be free from all or any tolls.

§ 7. The same pains and penalties prescribed by law for the failure to keep the public roads in repair shall, as far as applicable, apply to the said roads.

§ 8. Before any purchase shall be made or bonds issued in pursuance of this act, an election shall be held at some general or special election, of which thirty days' notice thereof shall be published in the several newspapers published in said county, and the question submitted to the qualified voters of said county as to whether or not said roads shall be purchased and bonds issued. Should a majority of the qualified voters of the county vote for said proposition, then the county court shall purchase the roads and issue the bonds as provided herein.

§ 9. Should a majority of the qualified voters of the county vote against said proposition, it shall be the duty of the presiding county judge to submit said question, at subsequent general election, upon the petition of fifty or more tax-payers of said county; but no election shall be held until notice by publication shall be given as hereinbefore provided.

§ 10. For the purpose of keeping up and maintain-

ing said roads, paying the interest on said bonds, and the bonds at maturity, the county court is hereby authorized to levy and cause to be collected, as other county revenues are now levied and collected, an ad valorem tax of not exceeding thirty cents on the one hundred dollars' worth of property subject to taxation for county purposes.

§ 11. All acts or parts of acts in conflict with this act are hereby repealed.

§ 12. This act shall take effect and be in force from its passage.

Approved April 2, 1890.

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## CHAPTER 487.

AN ACT to allow the Marshall County Court of Claims to levy an ad valorem tax for general county purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of claims for Marshall county, a majority of all the justices of the peace for said county concurring therein, shall have the power to levy an ad valorem tax, of not exceeding fifteen cents in any one year, on each one hundred dollars' worth of taxable property in said county, for general and ordinary county purposes. Said levy shall be made, if at all, in any year, at the same time the county levy for said county is levied.

§ 2. That it shall be the duty of the sheriff or collector of the county levy for said county to collect said tax when levied; and he shall have the same power and authority to collect same that he now has under the general law to collect the county levy and State revenue; and he and his sureties shall be liable on his county levy bond for whatever money he may collect under this act.

§ 3. He shall account for and pay over said tax

at the same time and in the same manner that he is required by law to account for and pay over the county levy; and for his services in collecting said ~~tax~~ he shall receive the same commission that is now paid for collecting the State revenue.

§ 4. This act shall take effect from and after its passage.

Approved April 2, 1890.

## CHAPTER 488.

AN ACT to change the boundary line between common school districts numbers fourteen and eighteen, in Marion county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the boundary line between common school districts numbers fourteen and eighteen, in Marion county, be, and the same is hereby, changed in such a manner as to include Tom B. Spalding and his residence in said district number eighteen.

§ 2. This act shall take effect from its passage; and all acts or parts of acts in conflict with this act are hereby repealed.

Approved April 2, 1890.

## CHAPTER 489.

AN ACT to incorporate the Butler Deposit Bank.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby created and authorized a bank Bank created. of deposit in the town of Butler, Pendleton county, Kentucky, with a capital stock of twenty five thousand dollars, in shares of one hundred dollars each, Capital stock. to be subscribed and paid for as hereinafter provided.

**Incorporators.** That R. F. Shaw, C. F. Peoples, John Farris, W. A. Bradford, C. C. Hagemyer, A. W. Cowles, W. L. Northcutt and J. T. Simon, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the Butler Deposit Bank, and shall so continue for twenty-five years from its organization; may contract and be contracted with, sue and be sued, plead and being impleaded, answer and defend, in all of the courts and places; may have a common seal, change and alter the same at pleasure.

**Management.** § 2. The management of said bank shall be under the control of seven directors, each of whom shall be a stockholder to the extent of not less than five shares, who, after the first election, shall be elected on the first Tuesday in January of each year, or as soon as practicable thereafter, and who shall hold office for one year or until their successors are elected and qualified. They shall elect from one of their number a president and a vice-president. The vice-president shall act in the absence of the president, or on his failure from any cause to act. In case of the death, resignation or inability of any director to as a director, then the said board of directors may fill said vacancy by the appointment of a director, who must be a stockholder. The board of directors shall have power to declare dividends of the profits arising from the business, and appoint such officers, agents and clerks as they may deem necessary to conduct the business of the bank, and pay such compensation and take from such officer, agent or clerk such bond to secure the faithful performance of their duties as they may think proper or deem prudent. The stock of said corporation shall be deemed personal property, and shall be transferable and assignable, but only by transfer entered upon the bank book of said bank.

**Election of officers.**

**General powers.**

**Select agents.**

**Increase capital stock.** § 3. The directors of said bank may, by and with the consent of a majority the stockholders, increase the capital of the bank in any amount not exceeding



twenty-five thousand dollars, which addition capital must be paid in before stock shall be issued therefor.

§ 4. The incorporators, or such of them as may <sup>Subscriptions to capital stock.</sup> choose to act, shall have power to secure subscriptions to the capital stock of said corporation, and whenever the said capital stock of said bank shall have been subscribed, it shall be the duty of the said incorporators, or such of them as have been acting in receiving the subscription of stock, to give at least five days' notice of the time and place for the election of a board directors of said bank; and the said directors thus elected shall hold their offices until the ensuing regular election, at which election, and every subsequent one, the stockholders of said bank shall be entitled to cast one vote, in person or by written proxy, for each share of stock owned by him at the time of holding said election, and on which he has paid all the calls and installments due at the time of said election.

§ 5. Stockholders shall be individually liable to the <sup>Liability of stockholders.</sup> creditors of the bank for the full amount of the unpaid stock subscribed and paid by him; but in no case shall the private property of the stockholders be liable for the debts of the corporation beyond the amount of his subscription.

§ 6. The capital stock shall be paid at such times and places as the board of directors may order; but the entire amount of the capital stock of said company must be paid before the said bank begins to do a banking business.

§ 7. The bank may receive deposit of gold, silver, <sup>Receive deposits, etc.</sup> bullion, currency, or any thing lawfully circulating as money, and repay the same in such manner, at such time, and with such interest, not to exceed the rate fixed by law, as may be agreed upon with depositors. It may borrow and lend money, buy or sell checks, bills of exchange, promissory notes or current money, bonds, stocks, mortgages and other evidences of debts, and do a general banking business; may take personal

or other security for the payment of obligations, and dispose of them according to the provisions of an act, entitled "An act for the benefit of incorporated banks of Kentucky," approved March sixteenth, one thousand eight hundred and seventy-one, and such disposition shall pass a valid title to the same; may receive deposits from minors and married women, and their checks, receipts and acquittances shall be valid. All promissory notes and bills made negotiable and payable at the banking-house of said corporation, or any other banking-house, may be discounted by, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon said bills of exchange may be had thereon, jointly and severally, against the drawer and acceptor and indorsers thereon.

Real estate.

§ 8. The bank may acquire, hold and use all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety or in satisfaction of any debt, judgment or decree, and may sell and convey same at pleasure: *Provided*, That said bank shall not hold any real estate conveyed to it as surety for any debt due to it, or in payment of any judgment or debt due to it, for a longer time than five years.

May make by-laws.

§ 9. The board of directors may make by-laws for the government of the bank, and may alter and amend the same: *Provided*, The same are not inconsistent with the laws of this State or the United States. Before entering upon their duties the president, directors and other officers of the bank shall take an oath before some officer authorized to administer oaths to faithfully perform all duties incumbent upon them as such officers.

General Assembly.

§ 10. The General Assembly shall, at all times, have the right to examine the affairs of the bank by any committee, officer or agent appointed for that

purpose, and reserves the right to alter, amend or repeal this charter.

§ 11. This act shall take effect and be in force from and after its passage.

Approved April 2, 1890.

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## CHAPTER 490.

AN ACT to amend an act, entitled "An act to incorporate the Augusta and Berlin Turnpike Road Company, in Bracken county," approved March sixteenth, one thousand eight hundred and sixty-nine.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to incorporate the Augusta and Berlin Turnpike Road Company, in Bracken county," be, and the same is hereby, amended, by adding thereto the following, namely: "The said Augusta and Berlin Turnpike Road Company may, whenever the convenience or safety of the traveling public require it, change the location of any part of their road leading from Augusta to Berlin, in Bracken county; and if said company can not agree with the owner or owners of land over which any proposed change in the location of said road is to be conducted as to the damages such owner or owners will sustain by reason of the proposed change, said Augusta and Berlin Turnpike Road Company may, by application and proceedings in the county court of the county in which the land lies over which a proposed change is to be conducted, as provided in chapter ninety-four (94) of the General Statutes of the State of Kentucky, in case of an application to the county court to alter a public road, condemn land for a right of way of any width, not exceeding sixty feet, for the proposed change in their said road.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1890.

## CHAPTER 491.

AN AOT to amend an act to incorporate the town of Pleasureville, in Henry county, approved twenty-second March, one thousand eight hundred and seventy-one, and to enlarge and define the boundary of said town, and establish a police court therein, and so forth.

WHEREAS, The town was incorporated by an act of the Legislature, and there being grave doubts as to the county court's authority to appoint officers ; and as the trustees, with two exceptions, appointed for said town by act Legislature approved ———, one thousand eight hundred and eighty ———, have died and moved out of said town, and the authorities have failed or neglected to hold any election for trustees, and the town is now without trustees or officers ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That W. V. Shivell, S. W. Mays, J. E. Jacoby, J. W. Ellis and John T. Long be, and they are hereby, appointed trustees for said town ; and they shall take an oath before a justice of the peace, or some other person authorized to administer an oath, before they shall act, and they shall hold office until the next regular election for town officers, and until their successors are duly elected and qualified ; and if, from any cause, any one of the aforesaid officers should fail or refuse, from any cause, to qualify or act, the remaining ones who do shall appoint some one to fill the vacancy until the next regular election, and until his or their successor is duly elected and qualified. Said board of trustees shall consist of five.

§ 2. That William Dunavant, Esquire, is hereby appointed police judge, who shall be commissioned as such by the Governor, and take an oath required by law, and shall hold his office until the next regular election, and until his successor is duly elected and qualified. J. W. McKendrick is appointed marshal,

who shall execute bond and take an oath as is now required of constables, and shall hold his office until the next regular election, and until his successor is elected and qualified.

§ 3. That the boundary of the town be, and the same is hereby, defined and enlarged as follows, to wit: Beginning at Lycurgus Smith's, including his place; thence to the toll-gate house on the Pleasureville, Bethlehem and Kentucky River Turnpike, including it; thence to Thomas Shuck's, on the Pleasureville and Sweet Home Turnpike, not to include him; thence to the bridge or culvert on the turnpike road leading from Pleasureville depot to Pleasureville (this culvert is near the school-house); thence to Lycurgus Smith's, the place of beginning, shall be hereafter known as the true boundary of said town.

§ 4. That at the next election held in said town under their charter, all persons living in said town at that time, and are twenty-one years old, shall have the right to vote for town officers of said town.

§ 5. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed, and all orders, if any, made by the Henry County Court attempting to appoint trustees for this town, is now held to be nugatory and void, and of no force and effect.

§ 6. That this act shall take effect from its passage.

Approved April 2, 1890.

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## CHAPTER 492.

AN ACT to incorporate the Gibson Lodge, number five hundred and fifty-three, of Free and Accepted Masons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That W. B. Eversole, T. S. Ward, J. H. Blackburn, J. S. Bailey and H. L. Howard, and their successors—LOCAL LAWS, VOL. 1.

cessors in office, be, and they are hereby, constituted a body-corporate, under the name and style of the Gibson Lodge, number five hundred and fifty-three, of Free and Accepted M<sup>a</sup>sons; and that the officers and members of said lodge, and their successors in office, shall have perpetual succession; and by the name and style aforesaid are hereby made capable in law to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and be answered, in all the courts of law and equity in this State or elsewhere; to make and have and use a common seal, and to break, alter, amend or change the same at the pleasure of said lodge.

§ 2. The five above-named members shall constitute the officers of this corporation to transact the business and affairs of the corporation until the regular election of the officers of said lodge in December, one thousand eight hundred and ninety, at which time the members of the lodge shall proceed to elect officers to transact the business of this lodge and carry out the object of this corporation, who shall hold their office for one year from date of election. The time of holding elections and term of office may be changed at the pleasure of the members of the lodge. The lodge may adopt the same rules and by-laws for the government of such election and terms of office as are now enforced in said lodge for the government of other officers of the lodge.

§ 3. Said corporation shall have the right to take and hold, by purchase, gift, or devise, any real or personal estate, not exceeding twenty thousand dollars in value, and may dispose of same in such way and manner as it pleases: *Provided*, That said lodge shall not hold any real estate which it may acquire, except for lodge purposes, for a greater length of time than five years.

§ 4. The members of said lodge shall prescribe the rules and regulations of the corporate officers, whose

duty it shall be to carry out the designs of the lodge and the objects of this corporation.

§ 5. A majority of the corporate officers shall constitute a quorum to do and transact the business of the corporation ; and they shall have power to pass such by-laws, rules and regulations, for their government, and for the controlling, improving and management and safe-keeping of the property and interest of the lodge as are not inconsistent with the prescribed rules, by-laws and regulations of the lodge or the laws of the United States or the State of Kentucky.

§ 6. This act shall take effect from its passage.

Approved April 2, 1890.

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## CHAPTER 493.

AN ACT for the benefit of common school district number twenty-three, in Livingston county, Kentucky.

WHEREAS, The trustees of common school district number twenty-three, in Livingston county, Kentucky, have had a school-house erected for said district, under the common school law of this Commonwealth, but which has not been paid for by about fourteen hundred dollars, owing to the insufficiency of the revenue arising from the taxation as now fixed by the common school law ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the trustees of common school district number twenty-three, in Livingston county, Kentucky, be, and they are hereby, empowered and authorized to levy and assess an ad valorem tax of not exceeding one dollar on each one hundred dollars' worth of taxable property in said district, and a poll-tax not exceeding two dollars on each poll in said district, for the purpose of discharging the unpaid balance on the school building for said district.

§ 2. That the tax authorized by the preceding section of this act shall only be levied and assessed for the years one thousand eight hundred and ninety, one thousand eight hundred and ninety-one, and one thousand eight hundred and ninety-two.

§ 3. That in order to ascertain the amount of taxable property and number of polls in said district, the trustees thereof are authorized and directed to make a full and complete list of the taxable property and polls in said district from the county assessor's books for each year from the assessor's books of the preceding year, which list so ascertained shall be delivered by the trustees of the district to the sheriff of Livingston county for collection, which list shall be accompanied by a written statement of the trustees of the amount of the ad valorem tax of each one hundred dollars' worth of property, together with the amount of tax on each poll levied and assessed in the district for that year; and it shall be the duty of the said sheriff to collect and pay over to the common school superintendent of Livingston county, who shall receive the same and be responsible therefor under his official bond.

§ 4. That it shall be the duty of the said superintendent, after said money has been received by him, to pay out the same on the indebtedness of the district for said school-house to the proper parties, on the orders of the trustees of the district, as is now required by law in similar cases.

§ 5. It shall be the duty of the sheriff of Livingston county to collect and pay over the tax provided for in this act by the first day of December for each year the same may be placed in his hands for collection; and for any failure to properly collect and pay over the same, he shall be responsible on his county levy bond.

§ 6. This act shall take effect and be in force from and after its passage.

Approved April 2, 1890.



## CHAPTER 494.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in relation to roads and bridges in Union county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to amend and reduce into one the several acts in relation to roads and bridges in Union county," approved March thirty-first, one thousand eight hundred and eighty-six, be amended by adding to section ten thereof the following words: "The land taken for opening and widening roads, the resulting damage to the residue of the tract, the costs of building and removing fencing, and the costs of all proceedings in opening and widening roads, shall, when so ordered by the judge of the Union County Court, be paid out of the road fund provided for in said act, and for which the supervisor shall give an order to the party or parties entitled thereto on the sheriff or collector of revenue for Union county, approved in writing by the said judge.

§ 2. This act shall take effect from its passage.

Approved April 2, 1890.

## CHAPTER 495.

AN ACT to organize and establish a system of public graded schools in Lancaster, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the boundaries of common school district number twenty-four, which district is composed of the consolidated districts numbers twenty-four and twenty-five, in Garrard county, Kentucky, and which

Boundary of  
common school  
district.

embraces the city of Lancaster, Kentucky, are fixed as follows, so as to include the following territory and boundaries, namely: First boundary beginning at, and including, L. B. Hudson; thence a straight line to include G. J. Salter; thence to include toll-house on Crab Orchard pike, and with said road to Lancaster, and through the middle of the public square to Lexington pike, and with same to L. B. Hudson's gate; thence to the beginning.

Second boundary: Beginning at M. H. Gills, on Lexington pike; thence to include B. F. Duncan, toll-gate on Danville pike, A. G. Herndon, Jackman farm and John Myers, and from thence with the Stanford pike to Lancaster; thence through the middle of the public square to Lexington pike, and with the same to the beginning. Said boundary of district number twenty-four is to include the farms of Joe Burnside, N. B. Price, W. K. Hood, the Baker premises, M. H. Owsley, Thomas Anderson, John Anderson, Cyrus Doty, George Evans, Joe Robinson, J. V. Cook, A. B. Brown, H. C. Jennings, J. B. Hunter, P. Dalton, G. B. Aldridge, W. Herndon, Samuel Lurk, E. H. Burnside, William Russell, and toll-gate on Lexington pike; that all the territory embraced within said limits, including the entire farms of the persons named therein, or those who may be the owners thereof at the time of the passage of this act, shall be, and is hereby, incorporated as a school district, which shall be under the control and management of a board of trustees elected by the legal white voters within the limits of said territory as hereinafter directed, and shall be designated as "The Graded City School District of Lancaster, Kentucky;" and any white widow or spinster owning land, residing therein, who is a tax-payer therein, or who has a child or children to be educated within the ages of six and twenty years, shall be deemed a qualified voter under this act. Said trustees shall have the power to enlarge the

boundaries of said district, with the consent of those who may be included in the extension of the same.

§ 2. The persons so elected shall constitute and be styled "The Board of Trustees of the Graded City School of Lancaster, Kentucky," and by that name shall be a body-politic and corporate, and may sue and be sued, contract and be contracted with; may buy and sell and convey real and personal estate for school purposes; and the title of all the public school property in said district shall vest in said board and their successors.

Board of trustees.

§ 3. The number of trustees for said district shall be five, to be elected on the third Saturday in June, biennially, and hold their offices until their successors are elected and qualified. A majority of said board shall constitute a quorum for the transaction of business; and in the case of the death or resignation of any of said trustees, or if, from any cause, there shall be a vacancy, by the appointment of some suitable and qualified person; said trustees to qualify within one week after their election. No person shall be eligible to the office of trustee who has not resided within said district for one year next preceding his election, and who has not attained the age of twenty-five years.

Number of trustees, and how and when elected.

§ 4. Said trustees, before entering upon the discharge of their duties, shall take an oath to faithfully and impartially perform the duties required of them under this act, before some officer authorized to administer oaths.

Oath of trustees.

§ 5. Said board of trustees shall have the power to fix the time and place of their meeting, to make all by-laws and rules for the government of themselves and appointees, and for the management, control and government of the graded city school; and shall cause to be kept a correct journal of their proceedings, which shall be open at all times to the inspection of any citizen of said school district.

Powers of trustees.

§ 6. Said board of trustees shall appoint all teachers

Teachers.

and other persons necessary to carry on said school, and prescribe all rules for their government, and fix their compensation or salaries; and may dismiss or suspend any teacher or other person appointed by them; prescribe the branches of education to be taught in the schools, and prescribe the necessary qualification for, and the mode of examination of, pupils or persons applying for admission into the schools.

Chairman of board.

§ 7. The said board shall appoint one of its members chairman, who shall preside at all meetings, and perform such other duties as may devolve upon him; and may appoint a secretary, prescribing his duties and fix his compensation.

Persons entitled to admission to school.

§ 8. All white children over six and under twenty years of age residing within said district shall have equal rights of admission to said schools, free from all charges for admission or tuition; and it is expressly provided that only white children shall be admitted to said school.

Reports of board.

§ 9. The said board of trustees shall, at the end of each scholastic year, make out a report, in writing (and have the same published if they deem it necessary), showing the number of pupils in said schools, and the condition and amount of property and funds belonging thereto, and such other facts and information as the cause of public education requires. The board of trustees shall have the power to regulate and determine the length of terms and sessions of said school or schools in each year. The board may make and alter, at their pleasure, a set of by-laws for their government: *Provided*, That the same be not in conflict with any provisions of this act.

Names of trustees.

§ 10. The following persons are hereby constituted and appointed trustees under this act, namely: J. G. Sweeney, R. H. Tomlinson, W. J. Landram, B. F. Hudson and John M. Logan, who are hereby clothed with as full power and authority as trustees as if elected by the qualified voters in said school district.

at a regular school election therein for the selection of a board of trustees, and serve until the third Saturday in June, one thousand eight hundred and ninety-one (at which time the first election for trustees under this charter shall be held), and until their successors are elected and qualified.

§ 11. The board of trustees shall provide the funds for purchasing suitable grounds and buildings, and if necessary for building the school-house or houses, and paying all the expenses of said school ; and to this end it shall be the duty of said trustees, and they are hereby authorized and empowered, to issue the bonds of the graded city school of Lancaster, Kentucky, to such an amount as may be necessary to provide suitable grounds and school-houses ; but such amount shall not exceed fifteen thousand dollars. That said bonds may be of any denomination not exceeding one thousand dollars each, running not longer than twenty-five years, bearing interest at the rate of six per cent. per annum, payable semi-annually ; said bonds shall be made payable to bearer ; shall be signed by the chairman of said board of trustees, and attested by the secretary thereof, and shall pass by delivery ; and the board of trustees shall cause an annual tax to be levied and collected upon the same property belonging to white persons within the limits of said graded city school district of Lancaster, Kentucky, as is taxed by the State of Kentucky for the revenue purposes of the State, and the assessments to be made between the tenth day of January and the first day of April in each year, and to an amount sufficient to pay the interest on said bonds and the principal when they fall due ; the tax so levied shall not exceed thirty cents on each one hundred dollars in any year. The board of trustees shall appoint an assessor, who shall make the assessments necessary for fixing and collecting said taxes, under such rules and regulations as may be prescribed by the board of trustees, and shall receive for his services such sum as may be fixed by the

Grounds and  
buildings.

Assessor.

Collector.

board of trustees ; said taxes shall be due on the first day of June in each year, and collected by a collector appointed by the board of trustees for that purpose, who shall collect the taxes in the same manner as the State revenue is collected, and shall have the same power and authority in the collection of said tax as is conferred upon the sheriffs of the Commonwealth in the collection of the State revenue. Said collector shall execute bond, running in the name of the Commonwealth of Kentucky, for the use and benefit of the graded city school district of Lancaster, Kentucky, before said board of trustees, with good security, to be approved by them, for the faithful performance of his duties, with the same penalties as are or may be prescribed by law for sheriffs in the collection of the State revenue ; and shall receive for his services such compensation as may be prescribed by the board of trustees out of the funds so raised, not exceeding six per cent. That said collector shall, within three months after said lists are placed in his hands, pay to the treasurer of said school district one-half of said taxes, and the other one-half of said taxes to the treasurer within six months from the date of receiving such list, subject, however, to the law relating to delinquent tax-payers for State revenue purposes and county levy. The said collector, with his sureties, shall be liable on his bond to said board of trustees for all moneys so collected. This tax, when collected, shall be used only in the payment of the interest and principal of the bonds issued under this act: *Provided further*, That the said bonds shall not be issued until the question of their issual shall have been submitted by said board of trustees to the qualified and legal voters within the limit of said graded city school district of Lancaster, Kentucky, required to pay taxes under this act for said public graded schools ; and if a majority of the qualified and legal voters shall vote in favor of the issual of said bonds, then it shall be the duty of said

board of trustees to issue said bonds as aforesaid. The proposition for issuing said bonds shall be submitted to said voters by said board of trustees at such time and in such manner as may be fixed and prescribed by said board of trustees; and if, at an election so held, a majority of the voters voting at such election shall vote in favor of the issual of said bonds, it shall be the duty of said board of trustees, and they are hereby empowered and authorized, to issue the bonds of the graded city school district of Lancaster, Kentucky, to such an amount, not exceeding fifteen thousand dollars, as may be necessary to provide suitable grounds and school-house or houses. Said bonds shall be sold by the board of trustees, or by such person as they may authorize, for the best price they can get, but not less than par value, and the proceeds to be applied in the purchase of suitable grounds and buildings, or in the construction of buildings. The proposition for the issual of said bonds may be submitted any number of times (not oftener than once a year), notwithstanding a majority of said voters may have previously voted against the issuing said bonds.

§ 12. For the purpose of paying said bonds at maturity, the board of trustees may create a sinking fund for the surplus left after paying the interest on said bonds, which surplus may be invested, from time to time, in such manner as may be deemed most expedient and profitable. Sinking fund.

§ 13. The board of trustees shall cause to be levied and collected an annual tax, at the rate of not exceeding fifty cents upon each one hundred dollars' worth of property owned by the white persons subject to taxation for revenue purposes in this State, within the limits of said graded city school district of Lancaster, Kentucky; and there shall also be levied annually, by said board of trustees, a capitation tax not exceeding two dollars on each white male citizen within the limits of said school district over twenty- Taxation.

one years of age: *Provided*, That the levy of said ad valorem tax and capitation tax aforesaid shall not be made until the question of the same shall have been submitted by said board of trustees to the resident voters within the limit of said graded city school district required to pay taxes under this act for said public schools; and if a majority of said voters voting, shall vote in favor of making such levy, then it shall be the duty of said board of trustees to make said levy, or cause the same to be done as aforesaid. The proposition to make said levy to said voters by said board, at an election to be held for that purpose, shall be made at the same time and at the same place, and in the same manner, as the proposition submitted to said voters upon the question of the issual of said bonds, and by the same officers holding said election; and if, at an election so held, a majority of the legal voters voting at such election shall vote in favor of making the levy of said tax, it shall be the duty of said board of trustees, and they are hereby authorized and empowered, to make said levy to such amount, not exceeding fifty cents on the one hundred dollars of the property aforesaid in said district, and not exceeding two dollars on the head of each white male citizen therein over twenty-one years of age, as may be necessary to provide suitable teachers to teach said graded public schools, at such salaries as may be agreed upon, and to maintain and support said public graded schools generally, and to pay the incidental expense therewith connected, including the decoration of the grounds and repairs of the buildings; said taxes to be collected in the same manner, at the same time, and by the same collecting officer collecting the taxes for the payment of the principal and interest of the bonds hereinbefore described; and he and his securities shall likewise be responsible therefor, and under the same penalties as in the collection of the taxes for the payment of said bonds.



and interest on same, with like compensation therefor. This tax shall be called the school tax, and be used for the purposes aforesaid, including the compensation that may be allowed the treasurer, secretary, assessor and collector by said board of trustees. The proposition for submitting the vote on the question of levying said tax may be submitted any number of times (not oftener than once a year), notwithstanding a majority of said voters have voted against the levying of said tax.

§ 14. Said board of trustees shall have power to Treasurer. appoint a treasurer for said school district, who, before entering upon his duties, shall execute bond, running in the name of the Commonwealth of Kentucky, for the use and benefit of said graded city school district of Lancaster, Kentucky, with good security approved by them, conditioned for the faithful performance of his duties under this act. All funds arising from the sale of bonds under this act, and all funds collected for the purpose of defraying the annual expenses of said graded schools, shall go into the hands of said treasurer, who shall, together with his sureties, be responsible therefor. Said treasurer shall pay out said funds for the purpose for which they were respectively raised, upon the written order of the chairman of said board, and at least two of the names of said trustees signed thereto.

§ 15. Said board of trustees shall have all the authority and rights, in addition to the powers herein expressly granted, which pertains, by the general law, to trustees of common schools. They shall make all such enumerations and census returns as may be required by law to the county superintendent of Garrard county, and shall have the right to receive and appropriate the share or proportion of the State common school fund due to that part of the territory embraced within the limits of the graded city school district of Lancaster, Kentucky; and the county superintendent shall annually pay over to the treasurer of Enumeration and census returns.

the board of trustees herein created the full amount of such proportion or share, which shall be held and used by them as other funds collected for the purpose of defraying the annual expenses of said graded schools.

Admission of those living outside of school district.

§ 16. The board of trustees may admit into said graded schools white children who do not reside within the limits of said school district, upon such terms and conditions, and upon payment of such charges, as the said board may deem right.

Officers of election.

§ 17. The board of trustees shall appoint two judges and a clerk, who reside in said district, to hold the election of trustees of said district, who shall be sworn as officers for holding State and county elections; and said judges shall make out and return the poll-books to said board, who shall examine the same and issue certificates of election to those having received the highest number of votes.

Time of assessment.

§ 18. The assessor, in listing and assessing the taxable property in said district for taxation under this act, shall assess the same as of the tenth of January in each year, and assess said property at its fair cash value. If the owner of any property so listed claims that the valuation is excessive, he shall have the right to bring the matter before the board of trustees for correction. Said board, after hearing the proof, shall change and correct such valuation, if it prove to be unreasonable. And likewise, if the assessment of any property in said district listed for taxation shall be valued by the assessors too low, said board of trustees, upon their own motion, shall cite the owner or his agent before them, by written notice, and change and correct the assessment or valuation made by the assessor.

Character of books, tracts, etc., not to be used.

§ 19. No books, tracts, papers, catechisms, or any publications of any infidel or denominational character, shall be used or distributed in the said graded city schools; nor shall any sectarian or infidel doctrines be taught therein.

§ 20. The bonds hereinbefore mentioned shall, at the option of the board of trustees, be redeemed and canceled at any time after five years from their issue by paying to the holders thereof the principal and accrued interest thereon. Said bonds, when issued, shall be a lien upon all the property within the graded city school district of Lancaster, Kentucky, and shall be exempt from taxation, except for State purposes. Said bonds and interest coupons shall be payable at the treasurer's office for said school district.

§ 21. The board of trustees of the graded city school of Lancaster, Kentucky, are authorized to confer general and special diplomas upon its graduates.

§ 22. This act shall take effect and be in force from and after its passage.

Approved April 2, 1890.

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## CHAPTER 496.

AN ACT to amend an act, entitled "An act to incorporate the Townsend Branch Turnpike Road Company, in Bourbon county," approved April sixth, one thousand eight hundred and eighty-two.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. W. B. Griffith, Doctor W. T. McNees, James Miller, — Allen and J. Q. Ward, be, and are, added to the list of incorporators, and they are authorized to open books and receive subscriptions to the capital stock of said corporation.

§ 2. That the persons subscribing to the capital stock, and owning lands along the line of the turnpike to be constructed by said corporation, may select and locate said road on the most practicable route, from a point near Pleasant Green Church, to the Clay and Kiser Station Turnpike.

§ 3. That the Bourbon County Court of Claims, a majority of the justices of the peace thereof being present and concurring, may subscribe to the capital stock of said corporation the sum of one thousand two hundred and fifty dollars per mile, and in that proportion for any fraction of a mile, and for the purpose of paying the same may levy and impose a tax upon the taxable property of said county, which tax, when imposed, shall be collected by the sheriff of said county, and subject to the same laws and liabilities upon the part of said officer and his securities as applies in case of other county taxes.

§ 4. This act shall be in force from its passage.

Approved April 2, 1890.

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## CHAPTER 498.

AN ACT to establish a new voting place in Muhlenberg county, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That there is hereby created and established a voting place for all general elections at Rosewood and Ricedale, in Muhlenberg county ; and that any person who is a legal voter, residing within the justice's districts of what is known as "Court House," and Myers and Paradise, in said county, which may constitute the boundaries to the new voting precincts, shall be entitled to vote at general as well as precinct elections at Rosewood and Ricedale.

§ 2. That this act only establishes voting places, and not magisterial districts ; and that by the authority of this act the judge of the county court of Muhlenberg county shall designate the boundaries to said voting precincts.

§ 3. This act shall take effect from its passage.

Approved April 2, 1890.

## CHAPTER 499.

AN ACT to amend an act, entitled "An act to charter 'The Vanceburg, Salt Lick, Tollesboro and Maysville Turnpike Road Company.'"

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section two be, and the same is hereby, amended so as to read : "At the next annual election for officers of said road company, and annually thereafter, there shall be elected a president and a board of two directors, who shall manage and control section 'number one,' as described in 'section one' of the act to which this is an amendment ; said election to be held in the city of Vanceburg. At the same time, and in the town or village of Tollesboro, and annually thereafter, there shall be elected a president and a board of two directors, who shall manage and control section 'number two,' namely : From the west end of the bridge over Cabin creek ; thence to the terminus of the road west of Tollesboro ;" and all laws or parts of laws in conflict hereto are hereby repealed.

§ 2. This act to take effect and be in force from and after its passage.

Approved April 2, 1890.

## CHAPTER 500.

AN ACT to charter Johnson College.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the school in the city of Louisville now conducted by Mistress Annie P. Johnson, at eight hundred and twenty-two Third avenue, in said city, and known as Mistress Johnson's School, shall here-

after be known and designated as Johnson College, and shall enjoy and exercise all the rights and privileges of a first-class college for females. The principal and other officers of said school may adopt a course of study extending over the usual number of years, and divided into the usual number of classes common to colleges of the first grade. The principal and other members of the faculty may give to the pupils certificates of proficiency in their studies as they advance in course prescribed; and may grant to any student completing said course a diploma, setting forth that fact, and admitting the student to the literary degrees usually conferred by colleges of the highest order.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1890.

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## CHAPTER 501.

AN ACT authorizing a vote in Owen county in aid of a railroad.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That at the general election held in Owen county on the first Monday in August, one thousand eight hundred and ninety, a poll shall be opened in each of the voting precincts therein, and the sense of the qualified voters taken upon the proposition whether or not said county of Owen shall guarantee and pay for the right of way of any railroad which may be constructed, or whose construction may be begun through said county within the two years next succeeding the taking of said vote, such railroad to run through the town of Owenton or immediate vicinity, and from thence in a northerly and southerly direction.

§ 2. The poll-books shall contain two columns, one headed "For railroad," the other "Against railroad."

§ 3. The clerk of the election shall propound to each voter the question, "Are you for or against the subscription of right of way?" and if his vote be in the affirmative, his name shall be recorded in the column headed "For railroad;" but if his vote be in the negative, it shall be recorded in the other column.

§ 4. The result of said vote shall be certified as in case of elections of county officers, and shall be compared by the examining board of the county.

§ 5. If a majority of the votes cast at said election be for railroad, then, and in that event, it shall be the duty of the board of commissioners if Owen county to provide and pay any and all damages occasioned in obtaining a right of way of any such railroad as may be adjudged against such railroad in the manner now provided by law, and the same shall be assessed and determined as now regulated by law; and said board is authorized to levy a sufficient tax, covering a sufficient number of years, to pay the same: *Provided*, No such right of way is to be guaranteed to any other than a standard gauge railroad.

§ 6. This act shall be advertised in the Owen News for four weeks previous to the election, and the cost of same shall be paid out of the county levy.

§ 7. This act shall take effect from its passage.

Approved April 2, 1890.

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## CHAPTER 502.

AN ACT amending and reducing into one the several acts relating to the town of Scottsville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the inhabitants of the town of Scottsville, Allen county, Kentucky, as now established by law,

Boundary.

with such additions as may hereafter be made to the same, shall be, and is hereby, incorporated, under the name and style of "The Town of Scottsville," and as such shall be capable in law of contracting and being contracted with, of suing and being sued, in all cases and in all courts by law having jurisdiction under the general laws of this State, and the corporate limits of said town shall extend eight hundred yards west from the court-house, eight hundred yards south from the court-house, twelve hundred yards east from the court-house, and eight hundred yards north from the court-house; the lines north and south to be extended until they intersect the lines east and west.

Election trustees.

§ 2. That hereafter the fiscal, prudential and municipal concerns of said town shall be vested in five trustees, who shall be elected annually on the first Saturday of April in each year by the male citizens of said town over the age of twenty-one years, who have been citizens and residents of said town three months before said election. Said trustees shall hold their office for one year, and until their successors are elected and qualified. Before they enter upon the discharge of their duties they shall take an oath before a judge or justice of the peace, faithfully and impartially to discharge the duties of the office of trustee; and no person shall be eligible to the office of trustee who is under twenty-one years of age, and has not resided in said town twelve months next before the election, and owns real estate in said town.

Powers of trustees.

§ 3. Said trustees shall have power to fill any vacancy which may occur in their board by death, removal or resignation. It shall be their duty, at the first meeting of the board after their election, or as soon as practicable, to elect one of their body president of the board, who shall preside over their meetings, preserve order, and in case of a tie give the casting vote. A majority of the board shall constitute a quorum to transact business; and said board



may be convened at any time by order of the chairman, or on the request of two members. It shall be the duty of each member to attend the stated and called meetings of the board, and to see that all the by-laws and ordinances of the town are executed and properly enforced.

§ 4. That said trustees shall have power to make and receive all necessary conveyances in relation to said town; to sell and convey any lots or parcels of land owned by or belonging to said town, whether by purchase, donation or otherwise, for the benefit of said town; and the proceeds thereof shall be held in trust for the benefit of said town. They shall have power over the streets, alleys and sidewalks of said town which now exist or may be added to said town, and may cause the same to be improved in such manner as they may deem most beneficial; and when, in their judgment, it is necessary, they may cause new streets to be opened or purchased for the benefit of said town; and when the value of land so taken for streets or alleys can not be agreed upon by the owners and trustees, the same shall be determined by a writ of *ad quod damnum*, as provided by law in cases of public roads in this Commonwealth. They may sell and convey and allow to be closed any street or alley which, in their judgment, is not necessary for the benefit of the town or public. They shall have power to make all necessary by-laws and ordinances for the regulation and good government of said town, not inconsistent with the Constitution and laws of this State. They shall have power to remove any and all obstructions to streets, alleys and sidewalks, and by their by-laws to impose fines for obstructing same. They shall have power and authority to assess and cause to be collected annually an ad valorem tax, not exceeding fifty cents on the one hundred dollars' worth of real and personal property within the corporate limits of said town by law taxable for State revenue, and not exceeding one dollar

poll-tax upon all male persons in said town over the age of twenty-one years; but in no case shall a per capita tax be levied, unless a tax is also levied upon the property in said town. It shall be the duty of the board of trustees, as soon as the tax-list is returned by the assessor, to appoint three suitable persons as supervisors of tax, who shall be owners of real estate in said town, whose duty it shall be to supervise the tax-list of all property in the town subject to taxation; and when the same, in their judgment, has not been properly listed, to list the same at proper valuation, and return the same, with the list of any who may have been overlooked by the assessor, to the board of trustees, and the same proceedings shall be had and the same powers be granted to said supervisors as is now provided by law in the supervising of assessor's books under the revenue laws of this State. Said supervisors shall first be sworn to faithfully and impartially discharge the duty imposed upon them. They shall not hold their sessions more than three days, and receive a compensation to be fixed by the board of trustees. They shall have power to remove any officer appointed by them for good cause; but before any order be made dismissing him, he shall be notified of the time and place where any charge against him will be heard, that he may make defense to same. They shall have power to say what is a nuisance, and abate the same or cause it to be done; and said trustees shall have full power to determine what acts or conduct shall be prohibited in said town, and provide by ordinance a proper and adequate punishment for such acts and conduct of any person or persons who may be guilty of a violation of the same, and to pass any and all by-laws and ordinances which, in their judgment, may be necessary for the protection of the person and property of the citizens of said town, and for the suppression of all vices and immoralities that disturb the morals,

peace, good order or quietude of the good citizens of said town.

§ 5. Said trustees shall have power to suppress tippling-houses, gambling-houses, houses of prostitution, and such other houses in said town as may be the common resort of idle, dissolute and disorderly persons, and in addition to the tax now fixed by statute law for license to sell ardent spirits by retail, they shall have power to require a tax or license to sell in the corporate limits of said town in any amount not less than five hundred dollars and not more than one thousand dollars. For the purpose of raising a revenue for said town, they shall have power to levy a reasonable tax upon tavern-houses, boarding-houses, peddlers, auctioneers, show exhibitions, theatrical performances, concerts, and all places of public amusements where money is charged for admission to the same, which may be held or conducted in said town or within one-half mile of its corporate limits.

§ 6. Said trustees shall have control of the graveyard or cemetery in said town, and may add by purchase to said grounds, or buy other grounds, and may lay off and sell lots, and use the money in improving said grounds; and by ordinance impose a fine, not exceeding fifty dollars, on any person trespassing upon or injuring said grounds.

§ 7. It shall be the duty of the trustees to appoint <sup>Treasurer.</sup> a clerk, assessor of tax and treasurer. The clerk shall be chosen from the board of trustees, and shall keep a just and true record of the acts and doings of said board; and when required, shall give certified copies of same, which shall be evidence in all courts in this State. The treasurer shall also be selected by vote among said board of trustees. He shall receive all money from all sources due the town and receipt for the same, and pay it out by order of the board of trustees; and shall, at the end of each fiscal year, make a full and complete settlement with the trustees,

showing the amount received by him during the year, how the same had been appropriated ; and the board shall cause the same to be published one time in a newspaper if one be published in the town, if not, it shall be posted at the court-house door in said town. Said officers shall, before they enter upon the duties of their office, make oath before the county judge or justice of the peace that they will faithfully discharge the duties of their office ; and the treasurer shall execute a bond before the judge of the Allen County Court, in such sum as said court may require, for the faithful performance of his duty, to the Commonwealth of Kentucky, which bond shall be put to record in a county court clerk's office, and may be put in suit at any time by any person or persons for a violation thereof. Said clerk and treasurer shall receive such compensation for their service as the board of trustees may fix.

Police judge.

§ 8. A police judge shall be elected on the first Saturday of August, one thousand eight hundred and ninety, and every fourth year thereafter ; and a town marshal shall be elected on the first Saturday of August, one thousand eight hundred and ninety, and every two years thereafter, by the legally qualified voters of said town, and shall hold their offices until their successors are elected and qualified. The polls of the election of the police judge and town marshal shall be returned to the clerk of the Allen County Court within ten days after the election, and said clerk shall certify the election in the case of the police judge to the Governor of Kentucky, whose duty it shall be to issue a commission to the person receiving the highest number of votes, and who shall be a judicial officer, to be styled "The Police Judge of the Town of Scottsville." Said police judge, before he enters upon the duties of his office, besides the oaths now required by the Constitution and laws of this State to be taken by judicial officers, shall take an oath before a judge or justice of the peace for

Allen county, Kentucky, to discharge the duties of his office faithfully and impartially to the best of his ability. Said police judge shall have jurisdiction in said town to the same extent that justices of the peace now have, or may hereafter have, in this State, in both civil and criminal cases, and shall have exclusive jurisdiction in the corporate limits of said town of all offenses against the by-laws and ordinances of said town, and shall have power to render judgments and to issue executions or *capias pro fine* for enforcing satisfaction of the same. He shall have power to grant injunctions and issue attachments same as a county judge; to take and certify depositions as examiner, as justices of the peace now have or may hereafter have. He shall have jurisdiction of all motions and suits against the marshal, treasurer and clerk for all sums received by them, or for a violation of their official bonds, when the amount in controversy does not exceed one hundred dollars. He shall have power to issue summons for witnesses to give evidence, and compel their attendance by attachment, and to fine and imprison for contempt of court, as justices of the peace now have. He shall issue all process in the name of the Commonwealth of Kentucky, directed to the marshal, sheriff, jailer, coroner or constable of Allen county, returnable before him as police judge of the town of Scottsville, which shall be executed and returned by them under the same penalties as other processes from justices of the peace. Appeals from all judgments rendered by said police judge shall be in the same manner, under the same rules and regulations, and to the same tribunals, as are now allowed from judgments of justices of the peace in like cases. He shall have power to direct the marshal or other officers to summons a jury in all cases where a jury is required by law. Said judge shall keep a just and true record of all proceedings in his court, certified copies of which shall be evidence for all purposes

touching the matters and things therein contained. The fees of said police judge shall be the same as justices of the peace in all civil and criminal cases, and in cases for a violation of the ordinances or by-laws of said town, the same as now fixed by law in misdemeanor cases before justices of the peace.

Marshal.

§ 9. The marshal shall be a conservator of the peace in said town, and shall have the same powers and perform the same duties, and be liable to the same penalties, that constables of this Commonwealth are now by law, are hereafter authorized to perform or be subject to ; and said marshal, before he enters upon the duties of his office, shall take an oath before the county judge of Allen county for the faithful performance of his duties as marshal, and shall, in said county court, execute bond, with good surety to the Commonwealth of Kentucky, in the penal sum of one thousand dollars, with conditions similar to constable's bonds, and the same may be put in suit by any person injured by a failure to comply with the requirements of said bond, in the same manner that suits are authorized to be brought on constable's bonds ; and said marshal shall be liable to motions against him and his sureties before said police judge, or the judge of the Allen County Court, for a failure to pay over money to the persons entitled thereto under the same laws, regulations and restrictions as motions are now authorized by law against constables in this Commonwealth. He shall collect all taxes placed in his hands for collection, and account for and pay over the same to the treasurer when required by the board of trustees.

§ 10. When a tax shall be levied as provided in this act, and the same shall have been supervised, it shall be the duty of all the tax-payers to pay the same to the treasurer after due notice by him, posted at five or more conspicuous places in said town, one of which shall be on the court-house door in said town, within ninety days after said notice ; and in case of his or

her failure to pay the same by said time to the treasurer, five per centum shall be added to the amount of tax due, and at the expiration of said ninety days the tax then due shall be listed with the marshal, and he shall proceed to collect the same with the five per centum added. Said marshal, in the collection of the taxes so levied, shall have the same power and be governed by the same laws which apply to the collection of the State revenue by the sheriffs of this Commonwealth; and land sold by him for tax may be redeemed in the same manner, and conveyed as in the sale of land by sheriffs for revenue tax.

§ 11. That in case of death, resignation or removal of the police judge or town marshal, the trustees shall order an election immediately thereafter to fill the vacancy, first giving five days' written or printed notice, posted on the court house door and the post-office in said town, which election shall be held as other elections provided for in this act; and if for police judge, it shall be certified by the county court clerk, as heretofore provided, to the Governor of this Commonwealth.

§ 12. That all elections held under this act shall be held by the clerk of the board of trustees, and two judges appointed by the board for that purpose, who shall be first sworn to discharge their duties faithfully and impartially. Said election shall be held at the place designated in the notice of said election, and the polls kept open from the hours of ten ante meridian until three o'clock post meridian; and in the event the persons appointed to hold said election can not attend, the trustees shall appoint other persons to hold said election, who shall discharge all the duties required of them after being sworn as heretofore provided.

§ 13. If, from any cause, the police judge can not preside, or the office is vacant, the chairman of the board of trustees, or the nearest justice of the peace to the court-house, shall preside at all trials and cases

before the police court, and have all the powers and discharge all the duties of police judge of the town of Scottsville.

§ 14. That all fines and forfeitures in cases of violation of the by-laws or ordinances of the town of Scottsville cognizable before the police judge shall be collected and paid over to the treasurer of the town of Scottsville for the benefit of said town; and in case said fine is not paid or replevied, the defendant shall be adjudged by the court to labor upon the streets of said town until the same shall be paid at the rate of one dollar per day.

§ 15. The fees of the town marshal shall be the same as now allowed to constables of this Commonwealth, and may be collected in like manner; and for the collection of town tax, a commission to be allowed by the board of trustees.

§ 16. That for the trial of civil cases the police judge shall hold monthly terms, beginning on the fourth Monday in each month; and for the trial of infractions of the by-laws or ordinances of the town, as per crimes and misdemeanors within his jurisdiction, his court may be called at any time.

§ 17. The trustees of said town shall have the power to employ an attorney, whose business it shall be to advise the board of trustees and officers of the town, and to assist the county attorney in the prosecution of all violations of the by-laws and ordinances of the town, and said trustees to agree with said attorney for a reasonable compensation, to be paid out of any funds in the treasury of said town.

§ 18. That all acts and parts of acts relating to or pertaining in anywise to the town of Scottsville, are hereby repealed: *Provided*, Nothing in this act shall be construed so as to effect the term of office of any officer of said town heretofore elected.

§ 19. This act shall take effect and be in force from and after its passage.

Approved April 2, 1890.



## CHAPTER 503.

AN ACT to incorporate a board of trustees of the executive board of the churches of the North Bend Association of Baptists.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That J. M. Kirtley, Thomas M. Porter, Spencer Meeks, R. E. Kirtley and J. L. Bristow, trustees heretofore duly appointed by the executive board of the churches of the North Bend Association of Baptists, of Boone and Kenton counties, be, and they are hereby, created a body-politic and corporate, by name and style, "The Trustees of the Executive Board of the Churches of the North Bend Association of Baptists;" and by that name shall have perpetual succession, successors to be chosen or appointed by said executive board of the churches of the North Bend Association of Baptists, except as vacancies shall occur as hereinafter provided for; and shall have a seal, or may use their individual scroll.

§ 2. They are hereby empowered to contract and be contracted with, in their corporate name, and in that name to sue and be sued, plead and be impleaded, in any court of equity in this Commonwealth; may acquire by purchase, bequest, devise, grant, gift, lease or assignment, in the name of the executive board of the churches of the North Bend Association of Baptists in trust, any real or personal estate permitted by law, and shall have full power to sell and convey same, by deed or otherwise, for the benefit of said executive board, and shall have all powers incident to religious corporations; may mortgage any property held by them in trust to raise funds in the erection of any church or parsonage buildings, or other improvements thereon, on any real estate owned by said executive board, or held in trust for same, within the jurisdiction of the North Bend Association.

§ 3. That said trustees shall not incur an indebted-

ness to a greater sum than ten thousand dollars, and any indebtedness incurred in their corporate capacity shall not be binding or a lien on the private property of any of said trustees, or any member of said executive board.

§ 4. That said board shall consist of five or more persons. In case a vacancy shall occur in the said board of trustees, by reason of resignation, death or removal by said executive board, or by any other disqualification to act, at a meeting of a majority of said trustees, it shall be lawful for said majority to fill such vacancy until the next regular meeting thereafter of said executive board. All of said trustees shall be members in good standing in some one of the churches composing the North Bend Association of Baptists. A majority of said trustees shall constitute a quorum for the transaction of business.

§ 5. Whenever the executive board of the churches of the North Bend Association of Baptists direct said board of trustees, they are hereby authorized and empowered to transfer to the legal trustees of any church of like faith and order to that taught and promulgated by the churches represented by said executive board, either by deed, lease or donation, any property held in trust by them, which property shall be held by the trustees of said church and their successors in trust for their church, so long as said church shall believe in and practice the doctrines and tenets of the doctrines taught and practiced by the North Bend Association of Baptists, and remain in good fellowship with said association; but should said church dissolve or cease to fellowship with and teach the doctrines of said North Bend Association, then the said property shall revert to the board of trustees of the churches of the North Bend Association of Baptists, and be held by them as before in trust.

§ 6. Said board of trustees may make by-laws to

govern their actions, and elect a secretary and treasurer, and require bond of the latter.

§ 7. This act shall take effect from and after its passage.

Approved April 2, 1890.

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## CHAPTER 504.

AN ACT to prevent drunkenness at places of worship and schools in certain counties in this Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That if any person, while drunk or under the influence of intoxicating liquors, go to or be at any place where a congregation has assembled for, or are engaged in the worship of God, or to any school of learning, or while at such place have upon his person, or in his possession, any spirituous, vinous, malt or intoxicating liquors, or the mixture of either, except for sacramental purposes, he shall be deemed guilty of a misdemeanor, and, upon conviction, be fined twenty-five dollars for each offense, or imprisoned in the county jail not less than fifteen days. Said fines to be recovered in any court of competent jurisdiction.

§ 2. Ten per cent. of all fines collected under this act shall be paid to the officer making the arrest.

§ 3. This act shall apply only to the counties of Pulaski, Wayne, Clinton, Lewis, Adair, Rockcastle and Laurel.

Approved April 2, 1890.

## CHAPTER 505.

AN ACT to incorporate Breathitt Lodge, U. D. F. and A. M., of Breathitt county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Breathitt Lodge, of Jackson, under the jurisdiction of the Grand Lodge of Kentucky, is hereby made a body-corporate, in the name of Breathitt Lodge, Free and Accepted Masons; and by the name and style aforesaid is made capable in law to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, in all the courts of this State and elsewhere; to make and have a common seal, and the same to break, alter or amend at pleasure.

§ 2. The said corporation shall have the right to take and hold by purchase, gift, devise or bequest, real or personal estate to an amount not exceeding fifty thousand dollars, and dispose of and convey the same at pleasure.

§ 3. The business and affairs of said corporation shall be under the management and control of Eugene P. Mickel, worshipful master; Charles O. Cardwell, senior warden, and James S. Park, junior warden, and their successors in office, who are hereby constituted trustees of aforesaid corporation; and the duties of said trustees shall be such as may be prescribed by a majority of the members of said lodge.

§ 4. Said corporation shall have power to adopt such by-laws, rules and regulations, as may be necessary for the safe-keeping of the property and other interests of said lodge, not inconsistent with the Constitution of the United States, the Constitution of this State, or the Constitution of the Grand Lodge of Kentucky.

§ 5. In event a majority of the members of said lodge vote to purchase real estate in the county of

Breathitt, said corporation is vested with power to issue its bonds in such sums as it may determine, payable on such time as it may direct, payable to bearer, and bearing any rate of interest not exceeding six per centum per annum, the interest payable annually, and secure the same by deed of trust on its property: *Provided*, That it shall not issue more than twenty-five thousand dollars in bonds; said bonds to be sold, negotiated or exchanged for real estate in Breathitt county for the erection or improvement of such lodge-room, buildings or other constructions as the aforesaid lodge may, by a majority vote, determine to make, or for material to be used in the said erection or improvement.

§ 6. This act shall take effect from its passage.

Approved April 2, 1890.

## CHAPTER 506.

AN ACT to regulate the sale of spirituous, vinous or malt liquors in civil district number three, precincts numbers three and five, in Garrard county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be the duty of the county judge of Garrard county, Kentucky, upon 'a written petition filed before him, and signed by at least twenty of the legal voters in said civil district number three, asking that a vote be taken in said district on the question whether or not spirituous, vinous and malt liquors shall be sold in said district, to make an order on his order-book, at the next regular term of the Garrard County Court after he receives said petition, directing the sheriff, or other officer whose duty it is to hold the election, to open a poll in said district, at its two voting precincts, for the purpose of taking the sense

Vote on sale of.

of the qualified voters in said district upon the proposition whether or not spirituous, vinous and malt liquors shall be sold therein. Said poll shall be opened within twenty days after the order is entered by the judge on his order-book.

§ 2. It shall be the duty of the county court clerk of Garrard county, Kentucky, to give to the sheriff, or other officer whose duty it shall be to hold said election mentioned in section one of this act, a certified copy of the order of the judge of the county court, as it appears on his order-book, within five days after said order is made.

Duty of sheriff. § 3. It shall be the duty of the sheriff, or other officer whose duty it may be to hold the election mentioned in section one of this act, to have the order of the judge of the county court published in some weekly or daily paper published in the county for at least two weeks before the election, and also to advertise the same by printed or written handbills, posted at five conspicuous places in said district, for the same length of time; and if there is no daily or weekly newspaper published in the county, the printed or written handbills posted as before provided for shall be sufficient notice. The sheriff, or other officer whose duty it shall be to hold the election mentioned in section one, shall have the advertisements and notices herein provided for posted as above provided for within five days after he receives the order of the county judge, and ten days before the election.

§ 4. It shall be the duty of the sheriff, or other officer whose duty it may be to hold the election mentioned in section one of this act, to open a poll, and the election officers shall propound to each voter who may vote the question, "Are you in favor of the sale of spirituous, vinous or malt liquors in this district?" and his vote shall be entered for or against it as he may direct, or as he directs. The polls shall be returned as the other polls in said election; shall be examined and compared by the same officers.

§ 5. If it shall be found that a majority of the legal votes cast at the election before provided for were given for the sale of spirituous, vinous or malt liquors in the district, it shall be the duty of the examining board to certify that fact, which certificate shall be delivered to the clerk of the county court, and by him safely kept until the next regular term of the county court, at which term the judge thereof shall have the same spread on the order-book of his court; and said entry of the certificate in the order-book, or a certified copy thereof, shall be *prima facie* evidence in all proceedings under this act.

§ 6. After the entry of the certificate of the examining board, as above provided for, in the order-book of the county court, it shall be lawful for any person to sell any spirituous, vinous or malt liquors in the said district, after procuring the proper license.

§ 7. The county judge shall not make the order for the election until some person or persons signing the petition have deposited with him, in money, an amount sufficient to pay for printing or posting advertisements as provided for, and the fees of the clerk for making entries on the order-book and other legal fees.

§ 8. The election herein provided for shall not be held oftener than every two years, and after the election for the purpose and intention of this bill has already been held, no other election shall be ordered until two years from said election.

§ 9. This act shall repeal all other acts in conflict with same.

Approved April 2, 1890.

## CHAPTER 507.

AN ACT to amend an act, entitled "An act to create a board of commissioners for Magoffin county, and prescribe their duties and powers," approved March twenty-fourth, one thousand eight hundred and eighty-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to create a board of commissioners for Magoffin county, and to prescribe their duties and powers," approved March twenty-fourth, one thousand eight hundred and eighty-eight, be, and the same is hereby, so amended that the said board of commissioners hereafter appointed, as required by the act to which this is an amendment, shall hold their office for four years from the date of their appointment.

§ 2. That the chairman of said board of commissioners, created by the act to which this is an amendment, shall, and is hereby, given the same power of circuit judges of this Commonwealth to preserve order in the meetings of said board, and to enforce the orders of said board.

§ 3. That said board of commissioners, created by the act to which this act is an amendment, shall, at each regular term of their sessions, as fixed by law, appoint supervisors of tax as now required of the county court.

§ 4. That all acts and parts of acts in conflict with this act are hereby repealed.

§ 5. This act shall take effect from its passage.

Approved April 2, 1890.



## CHAPTER 508.

AN ACT to organize and establish a system of public graded schools in Junction City, Boyle county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That there is hereby established in the town of Junction City, Boyle county, a system of public graded schools. That the territory embraced in the limits of said Junction City, or as they may be extended, is hereby created and incorporated as a school district, which shall be under the control and management of a board of trustees. Said board of trustees shall be known and styled "The Board of Trustees of the Junction City Public Graded Schools;" and by that name shall be a body-politic and corporate; may contract and be contracted with; may sue and be sued, plead and be impleaded with, in any or all courts in Boyle county; may buy and sell, bargain and convey real and personal estate; hold in trust the title to all public school property in said district, and discharge other duties imposed by the common school laws of this State and required by the provisions of this act. School trustees.

§ 2. The trustees of said district shall be five in number, to be elected biennially on the first Saturday in June, and to hold their offices until their successors are elected and qualified. The following named persons: A. Miller, Dan Twadall, B. F. Owsley, James Calvert and W. D. Cozatte, are hereby appointed and constituted as trustees for said district, to hold their offices until the first Saturday in June, one thousand eight hundred and ninety-one, and until their successors are elected and qualified. A majority of said board shall constitute a quorum for the transaction of business; and in case of a vacancy in said board by death, resignation or otherwise, the remaining members of same shall fill the

vacancy by the appointment of some suitable and qualified person. No person shall be eligible to election or appointment as trustee who is not twenty-one years of age, and who is not a *bona fide* resident of said district.

§ 3. The said trustees, before entering upon the discharge of their duties, shall appear before some officer authorized to administer an oath, and swear to faithfully and impartially discharge all the duties required of him by this act. The trustees shall have power to fix the time and place of their meetings; to make all necessary by-laws and rules for their own government, and for the management of said public schools in said district. They shall keep a correct journal of their proceedings, which shall be open to the inspection of any citizen of said district.

§ 4. The said board of trustees shall appoint one of its members chairman, who shall preside at all meetings, put all questions, preserve order, sign the minutes of each meeting, and discharge such other duties as may be required. The said board shall appoint some competent person as secretary, and may prescribe his duties, and may pay him a salary for his services. Said board of trustees shall have power to appoint a treasurer for said school district, who, before entering upon his duties, shall execute bond, running in the name of the Commonwealth of Kentucky, for the use and benefit of said Junction City public graded school district, with good security, approved by the board, conditioned for the faithful performance of his duties under this act. All funds arising from the sale of bonds under this act, and all the funds collected for the purpose of defraying the annual expenses of said schools, shall go into the hands of said treasurer, who shall, together with his sureties, be responsible therefor. Said treasurer shall pay out said funds for the purposes for which they were respectively raised, upon the order of the board of trustees, attested by the

secretary of said board. Said treasurer must be a citizen of Boyle county, but may live outside of said district. He shall be required to settle his accounts as treasurer with the board of trustees on the last Saturday in May of every year. The board of trustees may make such allowance to said treasurer for his services as they may deem proper.

§ 5. The said board of trustees shall appoint all teachers and other persons necessary to carry on said schools, and prescribe all rules for their government, and fix their compensation and salaries, and may dismiss or suspend any teacher or other person appointed by them, prescribe the branches of education to be taught in the schools, and prescribe the necessary qualifications for, and the mode of examination of, pupils or persons applying for admission into the schools. All white children over six and under twenty years of age, residing within said district, shall have equal rights of admission to said schools, free from all charges for tuition or admission; and it is expressly provided that only white children shall be admitted to said schools. The board of trustees may admit into said schools white children who do not reside within the limits of said school district, upon such terms and conditions and upon payment of such charges as the said board may deem right.

§ 6. The board of trustees shall provide the funds for purchasing suitable grounds, and for building the school-house and paying all the expenses of said school; and for this purpose it shall be the duty of said board of trustees, and they are hereby authorized and empowered, to issue the bonds of the Junction City public graded school district to such an amount as may be necessary to provide suitable grounds and school-houses; but such amount shall not exceed six thousand dollars. The said bonds may be of any denomination not exceeding five hundred dollars each, running not longer than twenty years, bearing interest at the rate of six per cent.

Issue bonds.

per annum, payable semi-annually at the Boyle National Bank, in Danville, Kentucky. Said bonds shall be made payable to bearer, shall be signed by the chairman of said board of trustees, and attested by the secretary thereof, and shall pass by delivery; and the board of trustees shall cause an annual tax to be levied and collected on the same property belonging to white persons within the limits of said Junction City public graded school district, as is taxed by the State of Kentucky for the revenue purposes of the State, and the assessment to be made on the fifteenth day of September in each year, or thereafter as of that date, and to an amount sufficient to pay the interest on said bonds and the principal when they fall due; that the tax so levied shall not exceed fifty cents on each one hundred dollars' worth of taxable property in any one year. The board of trustees shall appoint an assessor, who shall make the assessments necessary for fixing and collecting said taxes, under such rules and regulations as may be prescribed by the board of trustees; and shall receive for his services such sum as may be fixed by the board of trustees. Said taxes shall be due on the first day of January in each year, and shall be collected by a collector appointed by the

Collection of tax. board of trustees for that purpose, who shall collect the taxes in the same manner as the State revenue is collected, and shall have the same power and authority in the collection of said tax as is conferred upon the sheriffs of this Commonwealth in the collection of the State revenue. Said collector shall execute bond, running in the name of the Commonwealth of Kentucky, for the use and benefit of the Junction City public graded school district, before said board of trustees, with good security, to be approved by them, for the faithful performance of his duties, with the same penalties as are or may be prescribed by law for sheriffs in the collection of the State revenue; and shall receive for his services such compensation as the

board of trustees may allow him: *Provided*, That the said bonds shall not be issued until the question of their issual shall have been submitted by said board of trustees to the legal white voters within the limits of said Junction City public graded school district; and if a majority of the qualified and legal voters in said district shall vote in favor of the issual of said bonds, then it shall be the duty of said board of trustees to issue said bonds as aforesaid. The proposition for issuing said bonds shall be submitted to said voters by said board of trustees at such time and manner as may be fixed and prescribed by said board of trustees; but before said vote is taken, at least fifteen days' notice of said election shall be given by written or printed notices signed by the chairman of said board of trustees being posted up in at least five public places in said school district; said notices to state the time when said election shall be held, and the amount for which said bonds shall be issued; and if, at an election so held, a majority of the voters voting at such an election shall vote in favor of the issual of said bonds, it shall be the duty of said board of trustees, and they are hereby empowered and authorized, to issue the bonds of the Junction City public graded school district to such amount as may have been provided for in said notice, not exceeding the sum of six thousand dollars. Said bonds shall be sold by the board of trustees, or such person as they may authorize to sell same, for the best price they can get, but not less than par value; and the proceeds of said sale of said bonds is to be applied to the purchase of suitable grounds and construction of school buildings. The proposition for the issual of said bonds may be submitted once a year until the same carries.

§ 7. For the purpose of paying off said bonds at maturity, the board of trustees may create a sinking fund from the surplus left after paying the interest on said bonds, which surplus may be invested, from

time to time, in good safe stocks, or loaned out by said board of trustees, as may be deemed best and most profitable by them.

§ 8. The board of trustees may cause to be levied and collected an annual tax, not exceeding fifty cents on the one hundred dollars' worth of property owned by the white persons, subject to taxation for revenue purposes to the State, within the limits of said Junction City public graded school district aforesaid ; and there may also be levied annually by said board of trustees a capitation tax, not exceeding two dollars (\$2) on each white male citizen within the limits of said school district over twenty-one years of age : *Provided*, That the levy of said ad valorem tax and capitation tax aforesaid shall not be made until the question of the levy of same shall have been submitted by said board of trustees to the legal white voters within said Junction City public graded school district ; and if a majority of said voters voting shall vote in favor of making said levy, then it shall be the duty of said board of trustees to make said levy or cause the same to be done as aforesaid. The proposition to make said levy may be submitted to said voters at the same time and place and in the same manner as the proposition to said voters upon the question of the issual of said bonds, and by the same officers holding said election, after giving notice as required by this act before taking the vote on the question of the issual of bonds for the purpose of buying grounds and building school-house ; and if at an election so held a majority of the legal voters voting at such election shall vote in favor of making the levy of said tax, it shall be the duty of said board of trustees, and they are hereby authorized and empowered, to make said levy to such an amount, not exceeding fifty cents on the one hundred dollars of the property in said district, and not exceeding two dollars on the head of each white male citizen therein over twenty-one years of age, as may be necessary to

provide suitable teachers to teach said school, at such salaries as may be agreed upon, including the per capita paid said district by the county superintendent of public schools out of the State fund, and to maintain and support said public schools generally, and to pay the incidental expenses therewith connected. Said taxes to be collected in the same manner, at the same time, and by the same collecting officer collecting the taxes for the payment of the principal and interest of the bonds herein provided for; and he and his securities shall likewise be responsible therefor, and under the same penalties as in the collection of the taxes for the payment of the principal and interest on said bonds, with like compensation therefor. This tax shall be used for the purposes aforesaid, including the compensation that may be allowed the treasurer, clerk, assessor and collector by said board of trustees. The vote may be taken for this purpose once a year, but not oftener, until the same is carried.

§ 9. The board of trustees of said Junction City public graded school shall make such enumeration and census returns as the law requires to the superintendent of schools of Boyle county; and they shall have the right to collect, receive and appropriate to the schools of said district all the common school funds due or to become due from the State. The superintendent of schools of Boyle county shall pay over to the treasurer of said board of trustees of said public graded school district the school funds due or to become due to the said district under the school laws of this State; which money shall only be used in the payment of teachers in said school.

§ 10. The board of trustees of said Junction City public graded school district shall appoint an assessor to assess said property and polls, and agree with him as to his compensation. He shall be sworn to faithfully perform his duties before entering upon them. The trustees shall have power

Appoint  
assessor.

to review his list and equalize the tax. If a person fails to list his property or poll, the assessor shall do so for him. The assessment shall be made at any time after the fifteenth day of September of every year, and shall relate and be as if made on that day, except if persons move into said district after that day, and desire to send children to school, they may do so, and have the option of entering on the same terms as persons outside of the district, or to be listed and pay as from, and in proportion to, the time of entering children in school.

§ 11. The assessor, in listing and assessing the taxable property in said district for taxation under this act, shall assess said property at its fair cash value. If the owner of any property so listed claims that the valuation so made is excessive, he shall have the right to bring the matter before the board of trustees for correction. Said board, after hearing the proof, shall change and correct such valuation, if it proves to be unreasonable. And likewise if the assessment of any of the property in said district listed for taxation shall be valued by the assessor too low, said board of trustees, upon their own motion, shall cite the owner or his agent before them by written notice, and change and correct the assessment or valuation made by the assessor.

§ 12. The board of trustees of said Junction City public graded school district shall appoint two judges and a clerk, who reside in said district, to hold the election for trustees for said district when the time comes for said election, as well as for the purpose of taking the vote on the issual of said bonds, and on levying the ad valorem and poll-tax in the said district provided for in this act, who shall be sworn as officers for holding State and county elections; and said judges shall make out and return the poll-books to said board, who shall examine the same, and at said elections for trustees shall issue certificates of



elections to those having the highest number of votes.

§ 13. The board of trustees of said Junction City public graded school district shall have the sole control of the public school property of said district, and the management of the public schools taught therein. No teacher shall be employed to teach in said school by said board of trustees who has not received a certificate of qualification from the county board of examiners of Boyle county for examining teachers for common schools.

§ 14. The board of trustees of said Junction City public graded school district shall cause to be kept a regular and correct journal of their proceedings in a good, strong, well-bound book, which, at all times, shall be open to the inspection of any member of said board, or to any tax-paying citizen of said town; and all the record-books of said board shall be preserved by said board as long as said district remains a school district.

§ 15. The board of trustees of said Junction City public graded school district shall, if at any election held in said district for the purpose of taking the sense of the qualified voters therein on the question of issuing bonds for the purpose of buying grounds and building a school-house in said district, it shall be decided by the voters therein to have said bonds issued, before said bonds are placed upon the market for sale, cause to be filed in the Boyle County Court a certified copy of the order of said board directing the vote to be taken, a copy of the notice required herein to be given before said vote is taken on the issual of said bonds, a certified copy of the result of said vote, and certified copies of all orders of said board directing said vote to be taken and said bonds to be issued, showing that same was done as provided for in this act.

§ 16. That this act shall be in force from and after its passage.

Approved April 2, 1890.

## CHAPTER 509.

AN ACT to incorporate the Silver Creek, Scaffold Cane and Mount Vernon Turnpike Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That E. T. Fish, E. A. Mitchell, S. C. Johnson, G. E. Anderson, Richard Johnson and James Hart, be, and are hereby, incorporated as a body-politic, under the corporate name and style of the Silver Creek and Scaffold Cane Turnpike Road Company, and by said name and style shall have power to contract, and be contracted with, sue, and be sued, and are hereby invested with all the powers necessary to carry out the purposes of this incorporation.

§ 2. That the said turnpike road shall begin at the bridge of the Kingston and Berea Turnpike, where the same crosses Silver creek ; thence to Scaffold Cane hill, by the most practical route, and thence to Mount Vernon, in Rockcastle county.

§ 3. That the capital stock of said company shall be divided into shares of twenty-five dollars each, and the entire capital stock shall not exceed fifty thousand dollars ; and the shares of said stock when issued shall be signed by the president of the company, and shall be assigned and transferred as the directors of said company shall provide by their by-laws.

§ 4. That the persons named as incorporators shall be the board of directors of said road company until the stockholders meet and elect their officers and directors.

§ 5. That the said incorporators may open books of subscription for the purpose of raising money to construct said pike road ; and they may receive donations in land, and may take subscription, which are to be paid in work on said road.

§ 6. The said company, if they can not agree with

the owners of the land as to the right of way for said road-bed, may condemn said land in the manner now provided by law; and the width of the land so condemned for the road-bed shall not exceed forty feet.

§ 7. The said company shall have the right, when two miles and one-half of said road is completed, to erect a toll gate and charge toll; but after the first two and one-half miles are completed, there shall not be any more toll-gates erected until two and one-half miles more are completed, and then a gate shall be erected at the five-mile-post, and there shall not be more than one gate for every five miles of said road; and the gate erected at the end of the two and one-half miles first completed shall be taken away. The annual election of the officers of the company shall be held on the first Saturday in June, one thousand eight hundred and ninety, or at such time and place as the stockholders may agree.

§ 8. That the width of said road shall not exceed forty feet; that the gravel or stone on same shall not exceed fifteen feet, nor be less than ten feet in width, and of such thickness as the board of directors may direct.

§ 9. That said company may commence the construction of said road at any point on the line indicated as above set forth.

§ 10. This act to take effect from its passage.

Approved April 2, 1890.

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## CHAPTER 510.

AN ACT to incorporate the Richmond Water-works and Sewerage Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the mayor and city council of Richmond, Incorporators. Kentucky, whose names are J. S. Collins, mayor, J. W. Caperton, J. Brooks, Samuel Rice and W. B. Smith, councilmen, and their successors in office, are hereby created a body-corporate and politic, with the

right of perpetual succession, under the name and style of the Richmond Water-works and Sewerage Company; and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, purchase, acquire and hold and sell personal, real and mixed property, to the extent required for the purposes of this act; and said company shall have a common seal, and may alter and change the same at pleasure.

Capital stock. § 2. That the authorized capital stock of said company may be any amount necessary to erect water-works in or near said city of Richmond, and to provide said city with good and sufficient sewerage, so as to secure the health of the citizens thereof: *Provided*, The same shall not exceed one hundred and fifty thousand dollars.

Real estate. § 3. That the business of said corporation shall be the building of reservoirs, the laying of water pipes, and the furnishing of water for the city of Richmond, and to the citizens thereof, for their own use, and to provide good and sufficient sewerage for said city, and to do any and all things necessary to carry into effect the purposes of this act. Said corporation may acquire by gift, purchase or condemnation, ground upon which to erect all necessary reservoirs, pumping-houses and apparatus, and all other buildings or other structures necessary for the full and complete enjoyment of the right and privileges hereby granted; and also all ground necessary for the laying of water and sewerage pipes, and other mains to conduct and carry the water to the reservoir or reservoirs, and from thence to the city, and to any other corporation, companies or individuals, with or to whom the said company may contract to furnish and deliver water.

§ 4. The affairs of said corporation shall be under the control of the mayor and city council and their successors in office.

§ 5. That the said incorporators shall, as the city council of Richmond, have the right to borrow money

or create an indebtedness for the city of Richmond, not exceeding the sum of one hundred and fifty thousand dollars, and may issue the bonds of the city of Rich- Issue bonds. mond, bearing interest at a rate not exceeding six per centum interest per annum, and payable at some bank in Richmond, and not to run longer than thirty years; and the incorporators or their successors in office may mortgage any property acquired under this act to secure the payment and the interest of said bonds, and if necessary, the city council may, from time to time, levy such a tax as may be necessary to pay the interest and principal of said bonds. That no indebtedness shall be incurred by the incorporators under this act, or by the city council, for the purposes of carrying out this act, without a majority of the citizens of Richmond, who are under the law entitled to vote, shall have voted on a proposition to raise money or execute bonds for the purpose of raising money with which to supply the city with water and good and sufficient sewerage; and the said city council shall make all necessary orders for said election, and shall give at least twenty days' notice of the same, and in said notice the object and purposes of said election shall be fully set out, and this notice shall be by advertisement in the newspapers published in the city, and by printed handbills, and these shall be posted in five or more of the most public places in said city, and this shall be done not less than twenty days before said election.

§ 6. That the said incorporators may, for the purposes of this act, occupy or use any street, road or public way or ground in the limits of said city, and may use any road or public way or ground, or any part thereof, outside the limits of said city, upon such terms and conditions as may be agreed on by the parties owning or controlling the same; and if an agreement or contract can not be made for the use of said road or roads or grounds, or for any part of same, then the said corporators may proceed to condemn

the land or road desired to be used or taken; and this shall be done as is provided by law in case of railroads and turnpikes seeking condemnation of land.

§ 7. The said incorporators, nor their successors, shall not charge the citizens of the said city for water used by them at a greater rate than would produce a sum sufficient to pay the annual interest on whatever money may be borrowed, and to pay the expenses of operating the water-works; but this section shall not be construed so as to give the incorporators the right to charge even at that rate, if such a charge would be oppressive, and make the water cost too high, the object of this act being to supply the city with water for fire and other purposes, and to furnish water to the citizens at the lowest possible rate. The net proceeds arising from the operating of said works shall be kept separate from the taxes raised by said city, and shall be used to pay the interest on the money borrowed, as above set out.

Sewerage.

§ 8. The said incorporators shall have the power to do any and all things necessary to supply the said city with good sewerage pipes or ways; and they shall have the right to charge the citizens of the said city a reasonable price, which shall be uniform, for connecting sewer pipes from their respective houses with the main sewerage pipes of said city; and the money so collected shall be used to keep the city's sewerage pipes in order.

§ 9. That this act shall in no way interfere with that section of the charter of the town of Richmond, or any of the by-laws of said city, which authorizes a collection of a tax for fire purposes, or the setting apart so much money each year for fire purposes; and this money shall be used for the purpose of securing and operating water-works and good sewerage for said city.

§ 10. That the shares of stock in said company shall be fifty dollars each, and shall be signed by the mayor of the city and the city secretary.

§ 11. This act to take effect from and after its passage.

Approved April 2, 1890.

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